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- Civil Service Commission—Federal Prevailing Rate Advisory Committee to be held at Washington, D.C. (closed). 8655; 3-6-74
- Commerce Department—Computer Systems Technical Advisory Committee to be held at Washington, D.C. (open with restrictions). 9683; 3-13-74
- DoD—Army Corps of Engineers, Winter Navigation Board on Great Lakes and St. Lawrence Seaway to be held at Romulus, Michigan (open with restrictions). 9702; 3-13-74
- HEW—Coal Mine Health Research Advisory Council to be held at Cincinnati, Ohio (open). 9486; 3-11-74
- National Advisory Veterinary Medicine Committee to be held at Rockville, Maryland (open). 7444; 2-26-74
- Venereal Disease Control Advisory Committee to be held at Atlanta, Georgia (open). 9850; 3-14-74
- Office of Education: National Advisory Council on Adult Education to be held at Washington, D.C. (open). 9567; 3-12-74
- Interior Department—Gateway National Recreation Area Advisory Commission to be held at Brooklyn, New York (open). 9846; 3-14-74
- BLM: O & C Advisory Board to be held at Portland Oregon (open). 9681; 3-13-74
- NIH—National Advisory General Medical Sciences Council to be held at Bethesda, Maryland (open). 3306; 1-25-74
- State Department—U.S. CCITT Study Group 5 (Data Transmission) to be held at Washington, D.C. (open). 8639; 3-6-74
- Veterans' Administration—Wage Committee to be held at Washington, D.C. (closed). 33697; 12-6-73
- MARCH 29**
- Agriculture Department—Forest Service: Coconino National Forest Advisory Committee to be held at Flagstaff, Arizona (open). 8945; 3-7-74
- AEC—Advisory Committee on Reactor Safeguards' Subcommittee on Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3 & 4 to be held at Augusta, Georgia (open). 9569; 3-12-74
- DoD—Advisory Group on Electron Devices: Working Group on Lasers to be held at Boulder, Colorado (closed). 9213; 3-8-74
- HEW—Board of Scientific Counselors, NIMH to be held at Bethesda, Maryland (open). 7976; 3-1-74
- Coal Mine Health Research Advisory Council to be held at Cincinnati, Ohio (open with restrictions). 9486; 3-11-74
- National Advisory Council on Equality of Educational Opportunity to be held at Washington, D.C. (open). 6753; 2-22-74
- National Advisory Veterinary Medicine Committee to be held at Rockville, Maryland (open). 7444; 2-26-74
- Panel on Review of Bacterial Vaccines and Bacterial Antigens to be held at Bethesda, Maryland (open with restrictions). 7444; 2-26-74
- Panel on Review of Contraceptives and Other Vaginal Drug Products to be held at Bethesda, Maryland (open with restrictions). 7444; 2-26-74
- Venereal Disease Control Advisory Committee to be held at Atlanta, Georgia (open). 9850; 3-14-74
- Office of Education: National Advisory Council on Adult Education to be held at Washington, D.C. (open). 9567; 3-12-74
- Board of Scientific Counselors, NIMH to be held at Bethesda, Maryland (open). 7976; 3-1-74
- National Advisory Council on Equality of Educational Opportunity to be held at Washington, D.C. (open). 6753; 2-22-74
- National Science Foundation—Advisory Panel for Economics to be held at Washington, D.C. (closed). 8970; 3-7-74
- NIH—Lipid Metabolism Advisory Committee to be held at Bethesda, Maryland. 5523; 2-13-74
- National Advisory General Medical Sciences Council to be held at Bethesda, Maryland. 3306; 1-25-74
- MARCH 30**
- HEW—Office of Education: National Advisory Council on Adult Education to be held at Washington, D.C. (open). 9567; 3-12-74
- Panel on Review of Bacterial Antigens to be held at Bethesda, Maryland (closed). 7444; 2-26-74
- Panel on Review of Contraceptives and Other Vaginal Drug Products to be held at Bethesda, Maryland (closed). 7444; 2-26-74
- NIH—Colon-Rectum Cancer Advisory Committee to be held at Houston, Texas (closed). 7821; 2-28-74
- Lipid Metabolism Advisory Committee to be held at Bethesda, Maryland (closed). 5523; 2-13-74
- Interior Department—Forest Service: Taos-Penasco-Questa Division Grazing Advisory Board to be held at Taos, New Mexico (open). 7818; 2-28-74
- National Science Foundation—Advisory Panel for Economics to be held at Washington, D.C. (closed). 8970; 3-7-74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

NOTE: No acts approved by the President were received by the Office of the Federal Register from Friday, March 8 to Friday, March 15, 1974.

Presidential Documents

Title 3—The President

PROCLAMATION 4275

American Forestry Week and World Forestry Day, 1974

By the President of the United States of America

A Proclamation

Since the first settlers moved onto this continent centuries ago, America's forests have been one of our greatest resources. But no resource is inexhaustible. Only wise conservation and measured use can preserve our country's forest heritage.

One-third of the Nation's land area is still covered with forests. They contribute heavily to the economy and to our high standard of living by providing one-fifth of the industrial raw materials of the Nation. Moreover, our forests have long provided much more than raw materials. They are a source of water for domestic and commercial use; they provide homes and food for wildlife, and forage for livestock; and they have become America's outdoor playground, a haven for campers, hikers, hunters and fishermen.

It is only fitting that every spring we renew our commitment to the preservation of this priceless heritage.

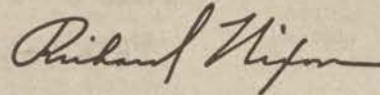
NOW, THEREFORE, I, RICHARD NIXON, President of the United States, do hereby call on all Americans to observe the week of March 17 through 23, 1974, as "American Forestry Week," with activities and ceremonies that recognize the full range of contributions of forests and forestry to the past, to the present, and to the future of America. In conjunction with this commemoration, I ask that we join with other Nations of the world in recognizing March 21, 1974, as "World Forestry Day," an activity sponsored by the European Federation of Agriculture and endorsed by the Food and Agriculture Organization of the United Nations.

To this end, I am directing the Secretary of Agriculture to instruct the Chief of the Forest Service to work with all organizations, institutions, groups, and individuals interested in carrying out appropriate activities

THE PRESIDENT

in joint recognition of "American Forestry Week" and "World Forestry Day."

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



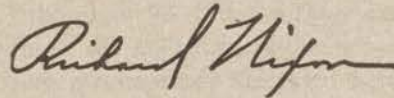
[FR Doc.74-6604 Filed 3-18-74;4:53 pm]

EXECUTIVE ORDER 11771

**Extending Diplomatic Privileges and Immunities to the Liaison Office
of the People's Republic of China in Washington, D.C., and to
Members Thereof**

By virtue of the authority vested in me by the act of April 20, 1973 (87 Stat. 24; Public Law 93-22), and as President of the United States, I extend to the Liaison Office of the People's Republic of China in Washington, D.C. and to its members who are duly notified to, and accepted by, the Secretary of State the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by the diplomatic missions accredited to the United States and by members of the staffs thereof. This Executive Order shall be effective as of April 20, 1973.

THE WHITE HOUSE,
March 18, 1974.



[FR Doc.74-6533 Filed 3-18-74;12:45 am]

MEMORANDUM OF MARCH 1, 1974

Delegation of Functions and Allocation of Funds Related to Emergency Security Assistance for Israel

Memorandum for the Secretary of State, the Secretary of Defense

THE WHITE HOUSE,
Washington, March 1, 1974.

NOTE: This memorandum, published at 39 FR 10231, March 19, 1974, is being reprinted to include material which was inadvertently omitted.

You are hereby designated and empowered to exercise the following functions vested in the President by Public Law 93-199, the Emergency Security Assistance Act of 1973, without the approval, ratification, or other action of the President. Functions not expressly delegated herein are reserved to the President.

1. Functions delegated to the Secretary of State:

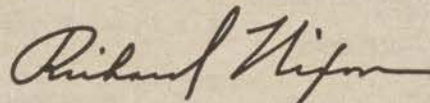
- (a) the function of reporting to the Congress any determinations made by the President under Section 2 of the Act;
- (b) the function conferred in Section 6 of the Act.

2. Functions delegated to the Secretary of Defense:

the function of providing military assistance or foreign military sales credits as determined by the President.

Pursuant to the authority contained in Public Law 93-240, the Foreign Assistance and Related Programs Appropriation Act, 1974, I hereby allocate from the appropriation for "Emergency Security Assistance for Israel" to the Secretary of Defense, \$2,200,000,000.00. This allocation is subject to the limitations imposed by the provisos in the provision appropriating these funds and subject to apportionment of the necessary funds by the Office of Management and Budget. I direct the Secretary of Defense to allocate to the Secretary of State such sums from the \$2,200,000,000.00 as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations Emergency Force in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter as authorized in Section 6 of Public Law 93-199, the Emergency Security Assistance Act of 1973.

This memorandum shall be published in the FEDERAL REGISTER.



[FR Doc. 74-6402 Filed 3-18-74; 8:45 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one additional position of Secretary to the Attorney General is excepted under Schedule C.

Effective on March 20, 1974, § 213.3310 (a) (5) is amended as set out below.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* * * *

(5) Four Secretaries for the Attorney General.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6445 Filed 3-19-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Secretary (Interdepartmental Activities) is excepted under Schedule C.

Effective on March 20, 1974, § 213.3312 (a) (15) is added as set out below.

§ 213.3312 Department of Interior.

(a) *Office of the Secretary.* * * *
(15) One Confidential Assistant to the Secretary (Interdepartmental Activities).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6449 Filed 3-19-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Secretary is excepted under Schedule C.

Effective March 20, 1974, § 213.3313 (a) (5) is amended as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(5) Five Confidential Assistants to the Secretary.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6444 Filed 3-19-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Director, Office of Telecommunications is excepted under Schedule C.

Effective on March 20, 1974, § 213.3314 (b) is added as set out below.

§ 213.3314 Department of Commerce.

(b) *Office of Telecommunications.* (1) Private Secretary to the Director.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6448 Filed 3-19-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Commissioner of Patents is re-established and excepted under Schedule C.

Effective on March 20, 1974, § 213.3314 (h) is added as set out below.

§ 213.3314 Department of Commerce.

(h) *Patent Office.* (1) One Private Secretary (Confidential Assistant) to the Commissioner of Patents.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6450 Filed 3-19-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Federal Power Commission

Section 213.3329 is amended to show that one position of Secretary to the Assistant Executive Director (Regulatory Information System and Administration) is excepted under Schedule C.

Effective on March 20, 1974, § 213.3329 (c) is added as set out below.

§ 213.3329 Federal Power Commission.

(c) One secretary to the Assistant Executive Director (Regulatory Information System and Administration)

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6447 Filed 3-19-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Special Assistant to the Administrator, Federal Railroad Administration, is excepted under Schedule C.

Effective on March 20, 1974, § 213.3394 (e) (8) is added as set out below.

§ 213.3394 Department of Transportation.

(e) *Federal Railroad Administration.* * * *

(8) One Secretary to the Special Assistant to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.74-6646 Filed 3-19-74; 8:45 am]

PART 539—CONVERSIONS BETWEEN PAY SYSTEMS

PART 550—PAY ADMINISTRATION (GENERAL)

CFR Corrections

Section 539.203(d) in the second to the last sentence in 5 CFR (page 181) the reference to "§ 531.202(m)" should read "§ 531.202".

Section 550.342(b), the fifth line as it appears in 5 CFR (page 195) reads "Executive Order 11634", it should read "Executive Order 11636".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 74-6451 Filed 3-19-74; 8:45 am]

Title 6—Economic Stabilization
CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE
REGULATIONS

PART 152—PHASE IV PAY
REGULATIONS

Exemption of Canned Fruit and Vegetable
Industries

The purpose of these amendments is to exempt prices charged for canned fruits and vegetables as described in the Standard Industrial Classification (SIC) Manual, 1972 edition, under Industry No. 2033 by the manufacturers of those products and to provide a parallel exemption under the pay regulations.

The primary reason for the price exemption is that canned fruits and vegetables are currently in very short supply. Acreage contracts which will determine the supply of canned vegetables through the summer of 1975 are currently being negotiated. Vegetable canners are faced with increasingly high costs largely because of competition with crops such as wheat, soybeans, and cotton, the prices of which have risen dramatically since last year. The prices of these alternate crops are less restricted by controls than are the prices of vegetables for canning. This is because the former are freely traded on commodities exchanges and further resold in unprocessed form under the agricultural products exemption. While the sale by the farmer of vegetables to the cannery is also exempt under the same exemption, the sale by the cannery is not exempt, and this fact usually serves to moderate the price which the cannery can pay the farmer. It is expected that the exemption of canned vegetables will provide the necessary incentive for canners to increase acreage devoted to the production of vegetables.

Second, the Council has received commitments to increase production from firms producing more than 30 percent of the total output of canned fruits and vegetables. These firms have committed to increase production as much as 25 percent over last year's production on some product lines. In every case, canners have agreed in writing to increase their overall acreage if decontrolled.

Finally, major canners have committed not to raise prices above those authorized on March 1, 1974, on any product lines until the new crop becomes available. The Council expects that price increases on the new crop will be restricted to the levels needed to cover increased costs of production.

Jams, jellies, marmalade, and preserves are not included in this exemption pri-

marily because these products are not subject to the same seasonal supply problems as canned fruits and vegetables.

Although the prospect of increased acreage which is applicable to vegetable production under this exemption does not apply readily to production of most fruits, canned fruits are included with vegetables in this exemption because most of the firms which are engaged in canning process both fruits and vegetables. The Council therefore deems it appropriate to apply the exemption to the canned fruits and vegetables product line as a whole.

This exemption does not apply to prices charged or wages paid by a firm which is primarily engaged in food wholesaling or retailing and which also manufactures canned fruits and vegetables. For example, a retail grocery chain which packs the fruits and vegetables which it sells under its own label remains unaffected by these amendments.

The exemption appears as the first paragraph of § 150.58, "Additional price adjustments". This new exemption section continues the growing list of exempt sales which has been set forth heretofore under § 150.54. The Council is adding the new section for ease of citation in preference to further extending § 150.54.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than \$50 million in annual sales or revenues from the sale or lease of non-exempt items and 90 percent or more of its sales or revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry. The exemption is set forth in new § 152.39f. "Establishment in the canned fruits and vegetables manufacturing industry" is defined as an establishment primarily engaged in the canning or manufacturing of fruits and vegetables and classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2033 (Canned Fruits, Vegetables, Preserves, Jams, and Jellies). The term does not include an establishment primarily engaged in the manufacturing of preserves, jams, jellies, or marmalade. The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the canned fruits and vegetables manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of

other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support thereof. In addition, the exemption is not applicable to pay adjustments that are the subject of a report or request for approval filed with the Council prior to March 18, 1974, or pay adjustments that are scheduled to be effective prior to such date and a report or request for approval is required, including pay adjustments for which a report is required pursuant to § 152.76(c) (2). If parties negotiate a contract on or after March 18, 1974, which provides for pay adjustments scheduled to be effective prior to such date, a report or request for approval shall be filed with the Council in accordance with the provisions of the special rules applicable to the food industry, set forth in Subpart H of Part 152.

The wage exemption is also inapplicable if pay adjustments with respect to an appropriate employee unit are the subject of a decision and order of the Council. The exemption is further inapplicable to pay adjustments to employees of an establishment in the canned fruits and vegetables manufacturing industry which is controlled, directly or indirectly, by a firm primarily engaged in the wholesale or retail sale of food. Contract provisions which depend for their operation on the modification or termination of any rules, regulations, or orders of the Economic Stabilization Program are inoperative. In cases of uncertainty of application, inquiries concerning the scope of coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring roll-backs or refunds, and possible penalty of \$2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempt by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting

forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, 6 CFR Parts 150 and 152 are amended as set forth herein, effective March 18, 1974.

Issued in Washington, D.C., on March 18, 1974.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, a new § 150.58 is added to Subpart D to read as follows:

§ 150.58 Additional price adjustments.

(a) *Canned fruits and vegetables.* The prices which manufacturers of the following products charge for those products are exempt: The products listed in the SIC Manual, 1972 edition, under Industry No. 2033, except jams, jellies, marmalade, and preserves. This exemption does not apply to a firm primarily engaged in food wholesaling or retailing which also manufactures canned fruits and vegetables.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39f to read as follows:

§ 152.39f Canned fruits and vegetables manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the canned fruits and vegetables manufacturing industry.* For purposes of this section, "Establishment in the canned fruits and vegetables manufacturing industry" means an establishment primarily engaged in the canning or manufacturing of fruits and vegetables and classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2033 (Canned Fruits, Vegetables, Preserves, Jams, and Jellies). Notwithstanding the preceding sentence, such term does not include an establishment primarily engaged in the manufacturing of preserves, jams, jellies, or marmalade.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation only if such employee is employed at an establishment in the canned fruits and vegetables manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 151.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the canned fruits and vegetables manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the canned fruits and vegetables manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation.

(5) Pay adjustments with respect to which a report or request for approval has been filed or a challenge has been made or issued prior to March 18, 1974, pursuant to the provisions of Subpart F of Part 130 of this chapter, or Subpart H of this part.

(6) Pay adjustments scheduled to be effective prior to March 18, 1974, for which a report or request for approval is required pursuant to the provisions of Subpart H of this part, including pay adjustments with respect to which a report is required pursuant to § 152.76(e) (2).

(7) Pay adjustments with respect to an appropriate employee unit which is subject to a decision and order of the Council or its delegate—

(i) Issued prior to March 18, 1974; or

(ii) Issued on or after March 18, 1974, with respect to pay adjustments which are the subject of a report, request for approval, or challenge described in paragraphs (d) (5) or (6) of this section.

The limitation set forth in this paragraph (d) (7) shall be applicable for the period covered by such decision and order.

(8) Employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits

and vegetables manufacturing industry if such establishment is controlled directly or indirectly by a firm primarily engaged in the wholesale or retail sale of food.

(e) *Certain contract provisions.* Contract provisions which depend for their operation upon the modification or termination of the Economic Stabilization Act of 1970, as amended, or of any rules, regulations, or orders of the Council, and which affect employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables industry, are inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program.

(f) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 18, 1974.

[FR Doc. 74-6574 Filed 3-18-74; 4:00 pm]

PART 152—PHASE IV PAY REGULATIONS

Exemption of Paper and Allied Products and Waste Paper

Correction

On page 9967 of the issue for Friday, March 15, 1974, a correction was published correcting FR Doc. 74-5817, which appeared at page 9535 of the issue for Tuesday, March 12, 1974. The headings of this correction should have read as set forth above, and in the third line of the correction the reference to "§ 150.40v" should have read "§ 152.40v".

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SE-322]

PART 877—SUGARCANE: PUERTO RICO Fair and Reasonable Prices for 1973-74 Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in San Juan, Puerto Rico, on November 29, 1973.

The determination, which is applicable to the 1973-74 crop of Puerto Rican sugarcane, continues the provisions of the 1972-73 crop determination.

Pursuant to the provisions of section 301(c) (2) of the Sugar Act of 1948 (7 U.S.C. 1131(c) (2)), as amended, (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, Puerto Rico, on November 29, 1973, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Puerto Rico" remain in full force and effect as to the time period to which they were applicable.

Sec.

- 877.21 General requirements.
- 877.22 Definitions.
- 877.23 Payment for sugarcane.
- 877.24 Payment for molasses.
- 877.25 Determination of net sugarcane.
- 877.26 Services and allowances to producers.
- 877.27 Reporting requirements.
- 877.28 Applicability.
- 877.29 Procedures for checking compliance.
- 877.30 Subterfuge.

AUTHORITY: Secs. 877.21 to 877.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; (7 U.S.C. 1131, 1153).

§ 877.21 General requirements.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane, to which this part applies as provided in § 877.28 of this part (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1973-74 crop grown by other producers and processed by him, prices not less than those determined in accordance with the following requirements.

§ 877.22 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1974, through December 31, 1974, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(b) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formulae set forth in Schedule A attached hereto and made a part hereof.

(e) "Inferior varieties of sugarcane" means sugarcane of *Saccharum Spontaneum* or *Saccharum Sinense* variety (in-

cluding sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(f) "Net sugarcane" means (1) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of five percent of the gross weight, or (2) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of five percent of such gross weight.

(g) "Trash" means green or dried leaves, sugarcane tops above the last formed joint, soil, stones, and all other extraneous material.

(h) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.23 Payment for sugarcane.

(a) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(b) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(c) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting $3\frac{1}{2}$ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(d) If settlement with the producer is made in sugar, delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill: *Provided*, That the processor shall bear any increase in marketing costs resulting from such agreement.

(e) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw

sugar in accordance with Schedule B, attached hereto and made a part hereof.

§ 877.24 Payment for molasses.

For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1973-74 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash, such settlement shall be based upon the average gross proceeds from the sales of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C, attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1973-74 crop molasses by the time he is required to submit to the Area office a statement as required by § 877.27(b), he shall have made a provisional molasses payment to producers based upon not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1973-74 crop molasses, as determined by the Director of the Area office. Final settlement with such producers shall be made promptly after the 1973-74 crop molasses has been sold, based upon the average net proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by § 877.27(b). In the event a processor has transferred all or part of its 1973-74 production of molasses to an affiliate, molasses payments to growers shall be based on the price of the molasses transferred to the affiliate, but such price shall not be less than the average net proceeds per gallon as determined by the Director of the Area office for all processors who sold 1973-74 crop molasses. Where payment is based on the average net proceeds of all processors who sold molasses, the processor is required to make a provisional molasses payment not later than June 1, 1975, based upon not less than 85 percent of the estimated average of net proceeds per gallon realized by all other processors in Puerto Rico, as determined by the Director of the Area office from reports submitted under provisions of § 877.27(b). Processor is further required to make a final molasses payment in the amount necessary to base the total molasses payment upon a price not less than the average net proceeds per gallon for all processors who sold the 1973-74 crop of molasses after the Area office has determined such net proceeds and notified the processor.

§ 877.25 Determination of net sugarcane.

(a) The net sugarcane of each producer (including the processor) which is

delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (1) not in excess of five percent of the gross weight, or (2) in excess of five percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of five percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of five percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separating therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over five percent, and the same adjustments as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day or in the case of sugarcane handled in bulk during the same sugar yield period, which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(b) With respect to the sample taken as provided in paragraph (a) of this section, the processor shall make a separate determination of the weight of soil and stones contained in such sample and may charge the producer five cents per ton of net sugarcane delivered which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(c) The processor may charge the producer 66 percent of the actual cost, but not to exceed \$2.64, for each sample taken for trash including soil and stones to cover the cost of sampling and measuring the actual quantity of trash.

(d) Notwithstanding the foregoing paragraphs of this section, in cases where the direct cane analysis method is used, gross weight will also be net weight.

§ 877.26 Services and allowances to producers.

(a) When payment is made to the producer by the delivery of raw sugar, the

processor shall store and insure all such sugar through December 31, 1974, and shall bear the cost thereof.

(b) The costs of services which were borne by the processor for the 1972-73 crop shall be borne for the 1973-74 crop.

(c) Allowances made to producers by the processor for the 1972-73 crop shall be made for the 1973-74 crop at the rates which were effective under comparable conditions in 1972-73; except that the processor is given the option of paying hauling allowances to producers on either (1) the gross weight of sugarcane, or (2) in cases where a bulk trash determination, as provided in section 877.25 (a) is made, the net weight of sugarcane as determined by deducting from the gross weight the amount of trash that is in excess of five percent: *Provided*, That if the processor elects to pay allowances on the net weight, the allowance shall be computed at not less than the rates established in Rule 12 of the Sugar Board of Puerto Rico plus ten percent of such rates. The method of paying hauling allowances elected by the processor shall be used uniformly throughout the grinding season.

(d) Nothing in paragraphs (b) or (c) of this section shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of services or allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change is fair and reasonable.

§ 877.27 Reporting requirements.

(a) The processor shall submit to the Area office a statement as to whether settlement with producers is to be made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than April 3, 1974, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(b) If the processor makes settlement in cash, he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1975, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(c) The processor shall submit to the Area office a statement as to the option he elects in making hauling allowances to producers during the grinding season. Such information shall be submitted not later than April 3, 1974.

§ 877.28 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in 7 CFR 893.1); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 877.29 Procedures for checking compliance.

The procedures to be followed by the Caribbean Area ASCS Office in checking compliance with the requirements of this part are set forth under the heading Part 8—"Fair Price Determination" in Handbook 5-SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 5-SU may be inspected at and copies obtained from the Caribbean Area ASCS Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.30 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this Part through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1973-74 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1973-74 price determination. This determination continues the provisions of the prior determination.

A public hearing was held in San Juan, Puerto Rico, on November 29, 1973 at which interested persons were afforded the opportunity to present testimony and make recommendations with respect to fair and reasonable prices for the 1973-74 crop of sugarcane. Representatives of the Puerto Rico Farm Bureau recommended that the present system of basing selling and delivery expenses for all independent producers on an average of such expenses for all mills be changed to require that all independent producer sugar be considered as marketed within Puerto Rico for the local market and that any amount of raw sugar marketed in the Continental U.S. be considered as processor sugar, making it necessary

for the mills shipping raw sugar to the mainland to absorb any and all selling and delivery expenses so incurred. They estimate that such a move would increase income to the independent cane farmers in Puerto Rico by about \$1.0 million. They further recommended that no basic changes be made in the present payment scale contained in the determination, but that increases be allowed in accordance with any increases authorized in transportation costs; i.e., an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs.

The Sugar Corporation of Puerto Rico, an agency of the Commonwealth government, filed a supplemental brief which states that the Corporation was formed as a subsidiary of the Land Authority of Puerto Rico on February 1, 1973 to oversee the rehabilitation of the Island's sugar industry. The Sugar Corporation is the largest producer in Puerto Rico, operating all mills and refineries, and accounting for more than 70 percent of total sugar production. In its brief, the Sugar Corporation states that the present method of basing deductible selling and delivery expenses for mills shipping less than 20 percent of their sugar to mainland refineries on the average of such expenses incurred by mills shipping 20 percent or more to the mainland is appropriate and equitable and should not be changed. It states that during the 1972-73 crop season an estimated 30,000 tons of raw sugar will be marketed in the Continental U.S. from the Coloso, Guanica, and Plata mills. It maintains that the selling and delivery expenses incurred should serve as the basis for determining these expenses for the other ten mills that operated during the 1972-73 season, inasmuch as exclusion of the shipping and delivery expenses would in turn increase the price of refined sugar in the Commonwealth.

Consideration has been given to the recommendations made at the public hearing; to data on the returns, costs, and profits or losses of producing and processing sugarcane obtained by field survey for prior crops and recast in terms of price and production conditions likely to prevail for the 1973-74 crop; and to other relevant factors. Total sugar production continues to decline each year in Puerto Rico. The 252,200 tons of sugar produced from the 1972-73 crop was the smallest crop since the early 1900's. The average yield of raw sugar per ton of cane increased from 135 pounds in 1971-72 to 139 pounds in 1972-73, but compares poorly with the level of 204 pounds achieved in 1960-61.

This determination continues the provisions of the 1972-73 determination. The recommendation of the Farm Bureau that all independent producer sugar be considered as marketed locally and, therefore, exempted from deductions for selling and delivery expenses has not been adopted. The Department's responsibility for determining a fair and reasonable price will not permit adoption of the rec-

ommendation of the Farm Bureau without a corresponding change in the sharing relationship between the independent growers and the sugar mills.

The recommendation for an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs has not been adopted. The Department will continue to issue price determinations for Puerto Rico on a yearly basis, and will evaluate this new factor resulting from the "energy crisis" in the context of how it affects the sharing relationship between producers and processors.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on March 20, 1974, and is applicable to the 1973-74 crop of Puerto Rican sugarcane.

Signed at Washington, D.C. on March 15, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

SCHEDULE A

FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the first expressed or crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R = TI (S - 0.3B) F$$

Where:

R = Yield of raw sugar, 96° basis;
S = Polarization of the first expressed or crusher juice obtained from the sugarcane of each producer;

B = Brix of the first expressed or crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent. *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P, (where $P = 100 S \div B$), of the first expressed or crusher juice of sugarcane is equal to 75 or more, the factor, $I = 0.9$; or

(b) When the purity, P, (where $P = 100 S \div B$), of the first expressed or crusher juice

of such sugarcane is less than 75, the factor, $I = 0.9 - 0.02 (75 - P)$;

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula ($S - 0.3B$), the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute first expressed or crusher juice of such sugarcane shall be converted to an undiluted first expressed or crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\begin{aligned} \text{Brix of undiluted first expressed} \\ \text{or crusher juice sample} \\ \text{Brix DCF} = \frac{\text{Brix of diluted first expressed} \\ \text{or crusher juice sample}}{\text{Pol of undiluted first expressed} \\ \text{or crusher juice sample}} \\ \text{Pol DCF} = \frac{\text{Pol of diluted first expressed} \\ \text{or crusher juice sample}}{\text{Pol of undiluted first expressed} \\ \text{or crusher juice sample}} \end{aligned}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(B) Where the "direct cane analysis" method is used the sampling of sugarcane delivered by producers must be by the core sampler method and the formula for determining the yield of raw sugar shall be:

$$R = F [S - 0.3 (B + 0.1 f_c)]$$

Where:

R = 96° Yield % Cane, or yield of raw sugar, 96° basis;

S = Pol % Cane;

B = Brix % Cane;

f_c = Fiber % Cane;

F = Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F = \frac{R}{S - 0.3 (B + 0.1 f_c)}$$

Whenever the "direct cane analysis" method is used, no adjustments in the cane weight and yield shall be made for purposes of determining the yield of raw sugar.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under (A) above after the sample mill juice Brix and sucrose for each producer has been factored to a first expressed or crusher juice basis.

(D) Where sugarcane is handled in bulk, the procedures for sampling the deliveries of sugarcane by a producer shall be representative of all the deliveries of sugarcane of such producer.

(E) All the sugarcane delivered by a producer during the settlement period shall be considered in determining the yield of raw sugar for the period, including that sugarcane for which a negative yield is obtained when applying the formulae set forth in the preceding paragraphs.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses in connection with the payment for sugarcane provided in § 877.23 of the 1973-74 price determination are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

- (1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;
- (2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;
- (3) Ocean freight;
- (4) Unloading at destination;
- (5) Freight demurrage resulting from causes beyond the control of the shipper;
- (6) Reclaiming, weighing, and loading at mill or where stored;
- (7) Shore risk, marine and war risk insurance;
- (8) Brokerage or commission and exchange;
- (9) Weighing, testing, and sampling at destination;

When any of the necessary services included in items (1), (3), (4), (5) or (6) above are furnished by the processor, costs incurred may include for each of the services rendered:

- (1) Direct and immediate supervisory labor;
- (2) Maintenance labor and supplies required for the facilities used;
- (3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;
- (4) Direct supplies; and
- (5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

- (1) If the processor delivers 20 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.
- (2) If the processor delivers less than 20 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total

quantity shall be an amount equal to the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1973-74 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners except that such average of all selling and delivery expenses shall be increased (or reduced as appropriate) by an amount representing the difference between the estimated per hundredweight inland transportation costs which would have been incurred by the processor had all such 1973-74 crop raw sugar been delivered to the bulk sugar terminal to which the Area office determines the sugar could have been transported at the lowest inland transportation costs, and the average per hundredweight of all admissible inland transportation costs for all 1973-74 crop raw sugar that was delivered to the mainland. The average of the admissible selling and delivery expenses shall, as provided above, be increased when the estimated inland transportation costs are greater than such average, and be reduced when the estimated inland transportation costs are less than such average.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed on the books of Central _____ as of _____, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1973-74 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in § 877.24 of the 1973-74 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

- (1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
- (2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;
- (3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
- (4) Weighing and testing;
- (5) Wharfage, including charges arising from utilization of waterfront facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;
- (6) Shore risk insurance (limited in coverage from mill to shipside);
- (7) Freight demurrage resulting from causes beyond the control of the shipper;
- (8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

- (1) Direct and immediate supervisory labor;
- (2) Maintenance labor and supplies required for facilities used;
- (3) Taxes and insurance assessed or charged to the processor on such labor and

a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

- (4) Fuel, energy or direct supplies; and
- (5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefore cannot be accurately determined.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed on the books of Central _____ as of _____, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1973-74 crop of Puerto Rican sugarcane.

[FR Doc. 74-6368 Filed 3-19-74; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1974-75 Marketing Year

Notice was published in the February 19, 1974, issue of the FEDERAL REGISTER (39 FR 6118) regarding a proposal to establish, for the 1974-75 marketing year, beginning August 1, 1974, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The salable quantity and allotment percentage herein established are based on a recommendation of the Hop Administrative Committee and other available information in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The salable quantity and allotment percentage are derived from the following Committee determinations for the marketing year beginning August 1, 1974:

- (1) Total domestic consumption of 37,500,000 pounds of hops;
- (2) Minus imports of 10,000,000 pounds of hops to result in domestic consumption of U.S. hops of 27,500,000 pounds;
- (3) Plus total U.S. exports of 29,000,000 pounds of hops to equal 56,500,000 pounds total usage of U.S. hops;
- (4) Minus a desirable inventory adjustment, as of September 1, 1975, of 1,500,000 pounds;
- (5) Plus an adjustment of 5,270,000 pounds to provide for adequate supplies should some producer allotments of hops not be fully produced.

Thus, the salable quantity during the 1974-75 marketing year would be 60,270,000 pounds.

The proposed salable percentage is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases (for hops of the Fuggle variety pursuant to §§ 991.138(b) and 991.138c and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pound additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1974-75 marketing year (August 1, 1974-July 31, 1975) are established as follows:

§ 991.212 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1974.

The allotment percentage during the marketing year beginning August 1, 1974, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated March 14, 1974, to become effective April 30, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 74-6441 Filed 3-19-74; 8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[MILK ORDER NO. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentages

This temporary revision is issued pursuant to the provisions of the Agri-

cultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.11(b) (6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9198) concerning a proposed decrease in the supply plant shipping percentages for the month of March 1974. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of March 1974 the supply plant shipping percentage of 20 percent that is applicable during the months of January, February and March to a plant that was a pool plant during each of the preceding months of August through December shall be decreased to 10 percent and the shipping requirement of 10 percent applicable to each plant in a unit or two or more plants pursuant to § 1030.11(b) (7) (iii) shall be reduced to zero.

Pursuant to the provisions of § 1030.11(b) (6) the supply plant shipping percentages set forth in § 1030.11(b) (4) and § 1030.11(b) (7) (iii) shall be increased or decreased by up to 10 percentage points during the months of August-March if necessary to obtain needed shipments or to prevent uneconomic shipments.

Central Milk Sales Agency (CMSA), a group of cooperative associations representing over 75 percent of the producers supplying the Chicago Regional market, requested that the Director of the Dairy Division investigate the need to reduce the supply plant shipping percentage for the month of March 1974. CMSA states that a downward revision of 10 percentage points in the supply plant shipping percentage and in the shipping percentage applicable to individual plants within a unit is necessary to prevent uneconomic shipments of milk during the month of March 1974.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In January, for instance, producer milk pooled as Class I was more than 4 percent below January 1973. Thus, there is a reduced demand for such supply plant milk in Class I use and a reduction in required shipments is, accordingly, appropriate.

CMSA estimates that shipments of milk from supply plants to distributing plants in February are 16.9 percent below such shipments in January, and are more than 26 percent below such shipments in February 1973. It is expected, therefore, that the percentage of supply plant milk needed to be shipped to distributing plants from many supply plants during March 1974 will be less than the required 20 percent.

A reduction in the required shipments of supply plant milk during the month of

March will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentages by 10 percent for the month of March 1974 to prevent uneconomic shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during March 1974 it will prevent uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of March 1974.

It is therefore ordered, That the aforesaid provision of the order is hereby revised for March 1974.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: March 20, 1974.

Signed at Washington, D.C., on: March 14, 1974.

H. L. FOREST,
Director, Dairy Division.

[FR Doc. 74-6369 Filed 3-19-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12660; Amdt. 39-1803]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of sets of rollers after each report of significant propeller induced vibration in flight, repetitive replacement of sets of rollers, inspections for broken rollers and proper preload in bearing assemblies, and replacement of propeller blades and blade retaining bolts, if necessary, until through hardened sets of rollers are installed on Dowty Rotol type (c) R.209/4-40-4.5/2 propellers was published in the FEDERAL REGISTER on April 5, 1973 (38 FR 8667).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and

of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Dowty Rotol. Applies to Dowty Rotol type (c) R.209/4-40-4.5/2 propellers installed on, but not necessarily limited to, Nihon Model YS-11 and YS-11A Series airplanes equipped with Rolls-Royce Dart Model 542 Series engines.

Compliance is required as indicated. To prevent propeller failure and cracking of full width case hardened rollers in the bottom (C.F.) race of the propeller blade bearings accomplish the following:

(a) For propellers having blade bearing assemblies that incorporate Modification No. (c) VP2416 (SB61-509) or Modification No. (c) VP2677 (SB61-709) having sets of rollers P/N's 601026724 or 601026940, comply with paragraphs (b) and (c)—

(1) Before further flight, after each report of significant propeller induced vibration in flight, except that the airplane may be flown in accordance with FAR § 21.197 to a base where the repair can be performed; and

(2) If initial compliance is not required by paragraph (a)(1), within the next 600 hours' time in service after the effective date of this AD or before the accumulation of 2,000 hours' time in service on blade bearing bottom (C.F.) race rollers, whichever occurs later.

(b) Replace sets of rollers specified in paragraph (a) in accordance with Dowty Rotol Service Bulletin No. 61-542-8, Revision 2, dated December 20, 1972, or an FAA-approved equivalent—

(1) With new parts of the same part number and thereafter continue to replace sets of rollers specified in paragraph (a) in accordance with subparagraph (a)(1) and at intervals not to exceed 2,000 hours' time in service on blade bearing bottom (C.F.) race rollers, and comply with paragraph (c) at each replacement; or

(2) With through hardened sets of rollers which incorporate Modification No. (c) VP2762 (SB61-771) or Modification No. (c) VP2814 (SB61-795).

(c) At each set of roller replacement required by paragraphs (a) and (b), determine the number of broken rollers and the preload in each bearing assembly in accordance with Dowty Rotol Service Bulletin No. 61-542-8, Revision 2, dated December 20, 1972 or an FAA-approved equivalent. If ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches, before further flight remove the associated propeller blade and blade retaining bolt from service, mark them in a manner that will prevent their further use, and replace them with parts of the same part number or FAA-approved equivalents.

(d) The replacement of sets of rollers required by paragraphs (a) and (b) and the inspections required by paragraph (c) may be discontinued when through hardened sets of rollers which incorporate Modification No. (c) VP2762 (SB61-771) or Modification No. (c) VP2814 (SB61-795) are installed in accordance with Dowty Rotol Service Bulletin No. 61-542-8, Revision 2, dated December 20, 1972 or an FAA-approved equivalent.

This amendment becomes effective April 19, 1974.

Issued in Washington, D.C., on March 14, 1974.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.74-6424 Filed 3-19-74; 8:45 am]

[Airspace Docket No. 74-SO-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the NAS Albany, Ga., control zone.

The NAS Albany control zone is described in § 71.171 (39 FR 354). In the description, an extension is predicated on the 031° bearing from NAS Albany UHF Radio Beacon. The procedure for which this extension was designated to provide controlled airspace protection for aircraft executing the HI-NDB(UHF) RWY 22 Instrument Approach Procedure has been cancelled. It is necessary to alter the description by revoking this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the NAS Albany, Ga., control zone is amended to read:

NAS ALBANY, Ga.

Within a 5-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 11, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6315 Filed 3-19-74; 8:45 am]

[Airspace Docket No. 74-SO-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Valdosta, Ga. (Moody AFB) control zone and the Valdosta, Ga., transition area.

The Valdosta (Moody AFB) control zone is described in § 71.171 (39 FR 354) and the Valdosta transition area is described in § 71.181 (39 FR 440). In each description, an extension is predicated on Moody VOR 173° radial. The VOR Runway 36R Instrument Approach Procedure

final approach radial has been changed to Moody VOR 178°. It is necessary to alter the descriptions to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the Valdosta, Ga. (Moody AFB) control zone and in § 71.181 (39 FR 440), the Valdosta, Ga., transition area are amended as follows: " * * * 173° radial * * *" is deleted and " * * * 178° radial * * *" is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 12, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6317 Filed 3-19-74; 8:45 am]

[Airspace Docket No. 74-RM-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 31, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 3966) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Great Falls, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 23, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on March 11, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.181 (39 FR 440) amend the 700-foot transition area for Great Falls, Mont., to read as follows:

GREAT FALLS, MONT.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.), within 3.5 miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN and within 3 miles each side of the Great Falls VOR 157° radial, extending from the 17-mile radius area to 21.5 miles southeast of the VOR.

[FR Doc.74-6316 Filed 3-19-74; 8:45 am]

[Airspace Docket No. 74-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Extension of Effective Date**

On February 1, 1974, FR Doc. 74-2675 was published in the *FEDERAL REGISTER* (39 FR 4075), amending Part 71 of the Federal Aviation Regulations, by redesignating V-69 and V-69W between Shreveport, La., and El Dorado, Ark., effective May 23, 1974. Due to technical problems, commissioning of the Monroe, La., VORTAC has been delayed from May 23, 1974, to July 18, 1974, thereby delaying the realignment of the VOR Federal Airways associated with that VORTAC. V-69 and V-69W will be realigned simultaneously with the relocation of the Monroe VORTAC, and action is taken herein to amend the effective date for the realignment of these airways.

Since the delay of the commissioning date of the relocated VORTAC due to technical problems is an administrative matter within the normal expertise of the FAA, and is one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary and this amendment to the *FEDERAL REGISTER* Document may become effective immediately.

In consideration of the foregoing, effective on March 20, 1974, FR Doc. 74-2675 is amended, as follows: "effective 0901 G.m.t., May 23, 1974," is deleted and "effective 0901 G.m.t., July 18, 1974," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 13, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 74-6320 Filed 3-19-74; 8:45 am]

[Docket No. 13573; Amdt. No. 908]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**Recent Changes and Additions**

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue,

SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective March 7, 1974:

Fairbanks, Alaska—Fairbanks Int'l. Arpt., LFR-A, Amdt. 9

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective May 2, 1974:

Beckley, W. Va.—Raleigh County Memorial Arpt., VOR Rwy 10, Amdt. 6

Butte, Mont.—Bert Mooney Silver Bow Co. Arpt., VOR Rwy 11, Amdt. 1

Helena, Mont.—Helena Arpt., VOR-A, Amdt. 10

Helena, Mont.—Helena Arpt., VOR/DME B, Amdt. 2

Minneapolis, Minn.—Crystal Arpt., VOR-A, Amdt. 5

Minneapolis, Minn.—Anoka County James Field, VOR Rwy 8, Amdt. 5

Montgomery, Ala.—Dannelly Field, VOR Rwy 33, Amdt. 16

New Haven, Conn.—Tweed-New Haven Arpt., VOR Rwy 2, Amdt. 14

So. St. Paul, Minn.—So. St. Paul Municipal-Richard E. Fleming Field, VOR-A, Amdt. 6

So. St. Paul, Minn.—So. St. Paul Municipal-Richard E. Fleming Field, VOR-B, Amdt. 6

St. Paul, Minn.—Lake Elmo Arpt., VOR-A, Amdt. 2

*** effective March 28, 1974:

Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35L, Amdt. 1

Ruston, La.—Ruston Municipal Arpt., VOR Rwy 34, Orig.

*** effective March 13, 1974:

Princeton, N.J.—Princeton Arpt., VOR-A, Amdt. 3

*** effective March 12, 1974:

Eureka, Calif.—Murray Field, VOR-A, Amdt. 2

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective May 2, 1974:

Helena, Mont.—Helena Arpt., LOC/DME Rwy 26, Amdt. 1, canceled

Montgomery, Ala.—Dannelly Field, LOC (BC) Rwy 27, Amdt. 5

*** effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., LOC (BC) Rwy 27, Amdt. 14

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 2, 1974:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l. Arpt., NDB-A, Amdt. 1, canceled

*** effective April 18, 1974:

Manhattan, Kans.—Manhattan Municipal Arpt., NDB Rwy 31, Amdt. 9

*** effective April 4, 1974:

Red Oak, Iowa—Red Oak Municipal Arpt., NDB Rwy 17, Orig.

*** effective March 13, 1974:

Kankakee, Ill.—Greater Kankakee Arpt., NDB Rwy 4, Amdt. 3

*** effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., NDB Rwy 9, Amdt. 18

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective May 2, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 8, Amdt. 44

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 9R, Amdt. 4

Helena, Mont.—Helena Arpt., ILS Rwy 26, Amdt. 2

New Haven, Conn.—Tweed-New Haven Arpt., ILS Rwy 2, Amdt. 3

New York, N.Y.—LaGuardia Arpt., ILS Rwy 22, Amdt. 11

*** effective March 28, 1974:

Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 36, Amdt. 26

Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 6R, Amdt. 2

Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 35L, Amdt. 1

*** effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., ILS Rwy 9, Amdt. 18

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., RNAV Rwy 30, Amdt. 2

CORRECTION: In Docket No. 13571, Amendment 907, to Part 97 of the Federal Aviation Regulations, published in the *FEDERAL REGISTER* under § 97.23, effective April 25, 1974—Change effective date of Nome, Alaska—Nome Arpt., VOR Rwy 27, Amdt. 9, to March 28, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a) (1)).

Issued in Washington, D.C., on March 14, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the *FEDERAL REGISTER* on May 12, 1969.

[FR Doc. 74-6423 Filed 3-19-74; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-395; Order 469]

PARTS 141—STATEMENTS AND REPORTS (SCHEDULES)

Uniform Systems of Accounts; Equity Method of Accounting for Long-Term Investments in Subsidiaries; Correction

In FR Doc. 74-5313, correcting FR Doc. 73-2660 and appearing at page 8916 of the issue for Thursday, March 7, 1974, the date below the headings should read "February 21, 1973."

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-97]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 6—AIR COMMERCE REGULATIONS

Containerized and Palletized Cargo

On August 3, 1973, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 20895), which proposed to amend §§ 4.7a, 4.63, and 6.6 of the Customs regulations to provide for the use of qualifying words on vessel and aircraft cargo manifests covering containerized or palletized cargo for the purpose of indicating that the manifests were prepared on the basis of information furnished by the shipper.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. After consideration of all comments received, it has been determined that the proposed amendments should be adopted as set forth in the notice except for the following two changes:

1. The abbreviation for "shipper's load and count" in § 4.7a(c)(2) is changed from "SLC" to "SLAC".

2. In §§ 4.7a(c) and 6.6(c), the word "liability" is changed to "responsibility".

The proposed amendments, modified to include these changes, are adopted as set forth below.

Effective date. These amendments shall become effective on April 19, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 12, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

1. Section 4.7a, Customs Regulations, is amended by adding a new paragraph (c) to read as follows:

§ 4.7a Inward foreign manifest; information required; alternative forms.

(c) *United States Customs Inward Foreign Manifest.* For shipments of containerized or palletized cargo, Customs officers shall accept United States Customs Inward Foreign Manifest, Customs Form 7527-A, or Inward Foreign Manifest, Customs Form 7527-B, which indicate that the manifest has been prepared on the basis of information furnished by the shipper, although the use of words of qualification in no way limits the responsibility of a master to submit accurate manifests or in any way qualifies the oath taken by the master as to the accuracy of his manifest.

(1) If the inward manifest covers only containerized or palletized cargo, the following statement may be placed on the manifest:

The information appearing on the manifest relating to the quantity and description of the cargo is in each instance based on the shipper's load and count. I have no knowledge or information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

(2) If the manifest covers conventional cargo and containerized or palletized cargo, or both, the use of the abbreviation "SLAC" for "shipper's load and count," or an appropriate abbreviation if similar words are used, is approved provided the abbreviation is placed next to each containerized or palletized shipment on the manifest and the following statement is placed on the manifest:

The information appearing on this manifest relating to the quantity and description of cargo preceded by the abbreviation "SLAC" is in each instance based on the shipper's load and count. I have no information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

The statements specified in paragraph (c)(1) and (2) of this section shall be placed on the last page of the inward manifest. Words similar to "the shipper's load and count" may be substituted for those words in the statements, although vague expressions such as "said to contain" or "accepted as containing" are not acceptable. The use of an asterisk or other character instead of appropriate abbreviations, such as "SLAC," is not acceptable.

(R.S. 251, as amended, secs. 431, 624, 46 Stat. 710, as amended, 759; 19 U.S.C. 66, 1431, 1624)

2. Section 4.63 is amended by adding a new paragraph (f) to read as follows:

§ 4.63 Outward cargo declaration; shipper's export declaration.

(f) Customs officers shall accept an outward manifest covering containerized or palletized cargo which indicates by the use of appropriate words of quali-

cation (see § 4.7a(c)) that the manifest has been prepared on the basis of information furnished by the shipper.

(R.S. 251, as amended, R.S. 4197, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624, 46 U.S.C. 91)

3. Section 6.6 is amended by adding a new paragraph (c) to read as follows:

§ 6.6 Documents: form.

(c) Customs officers shall accept an inward or outward air cargo manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7a(c) of this chapter) that the manifest has been prepared on the basis of information furnished by the shipper. However, the use of qualifying words in no way limits the responsibility to submit accurate manifests or in any way qualifies the declaration as to the accuracy of the manifest.

(Sec. 431, 46 Stat. 710, as amended; 19 U.S.C. 1431)

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended; 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

[FR Doc. 74-6432 Filed 3-19-74; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 50—FROZEN VEGETABLES

Establishment of Definitions and Standards of Identity and Quality for Frozen Peas

Correction

In FR Doc. 74-2138 appearing at page 3541 in the issue of Monday, January 28, 1974, make the following changes:

1. In the table in § 50.1(f):
a. Delete the heading "Acceptable Quality Level 6.5".

b. Delete the heading "Number of primary containers:" and add "(Primary container)" directly below the heading "Lot size".

c. The heading "size of container" should read "size container".

d. The two letters "n" and the two letters "c" should appear directly above the columns of figures.

2. The heading to the table in § 50.2 (b) should read "Round hole sieve size through which peas will pass."

3. In § 50.3, after the last line of paragraph (b), insert, as a separate paragraph, "(c) Alcohol-insoluble solids determinations."

4. In § 50.3(c)(1)(ii) delete the footnote "3".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

RESTRUCTURING OF CHAPTER

In order to accommodate new material which will be forthcoming soon, Chapter

I of Title 23 is amended by redesignating the present parts within that chapter as set forth below:

Present Part:

- 2 Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.
- 15 Regulations for administering forest highways.
- 25 National bridge inspection standards.
- 805 Secondary road plan.
- 424 Utilities, railroads, highway/railroad grade crossings.
- 720 (Subpart E) Use of Airspace.

Redesignated as Part:

- 16 Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.
- (Subchapter G 660—Subpart A—Regulations for administering forest highways.
- (Subchapter G) 650—Subpart C—National bridge inspection standards.
- (Subchapter G) 642 Secondary road plan.
- (Subchapter G) 645 Utilities, railroads, highway/railroad grade crossings.
- 713 Subpart B—Use of Airspace.

Chapter I of Title 23 is restructured as set forth below:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

- 1—General (formerly titled: Administration of Federal Aid for Highways).

Part

- 2–15 [Reserved]
- 16—Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.
- 17–99 [Reserved]

SUBCHAPTER B—PAYMENT PROCEDURES

- 100–199 [Reserved]

SUBCHAPTER C—CIVIL RIGHTS

- 200–249 [Reserved]

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

- 250–399 [Reserved]

SUBCHAPTER E—PLANNING

- 400–499 [Reserved]

SUBCHAPTER F—RESEARCH AND DEVELOPMENT

- 500–599 [Reserved]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

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- 642—Secondary Road Plan.
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- 645—Utilities, Railroads, Highway/Railroad Grade Crossings.
- 646–649 [Reserved]
- 650—Bridge and Roadway Structures.
- 651–657 [Reserved]
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- 661–699 [Reserved]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

- 700–712 [Reserved]
- 713—Right-of-way—Property Management.
- 714–719 [Reserved]
- 720—Appraisal (formerly titled: Land Acquisition).
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- 740—Relocation Assistance.
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- 751–764 [Reserved]
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- 766–769 [Reserved]
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- 771 [Reserved]
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Part

- 773–789 [Reserved]
- 790—Public Hearings (Corridor and Design).
- 791–794 [Reserved]
- 795—Action Plan—Process Guidelines.
- 796–799 [Reserved]

SUBCHAPTER I—PUBLIC TRANSPORTATION

- 800–899 [Reserved]

This document hereby supersedes FR Doc. 74–5088 titled Redesignation of Right-of-Way and Environment appearing at page 8611 of the FEDERAL REGISTER issue of March 6, 1974, which document is hereby rescinded.

Effective date: March 20, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc. 74–6429 Filed 3–19–74; 8:45 am]

**Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE**

[Order 563–74]

**PART 0—ORGANIZATION OF THE
DEPARTMENT OF JUSTICE**

**Designating Officials To Act as Attorney
General**

This order amends the Department regulations designating officials of the Department of Justice to act as Attorney General in case of a vacancy in that Office.

By virtue of the authority vested in me by 28 U.S.C. 508, paragraph (a) of § 0.132 of 28 CFR Chapter I, is amended to read as follows:

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of vacancy therein.

(a) In case of vacancy in the office of Attorney General, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508, perform the functions and duties of and act as Attorney General. In case of vacancy in both the office of Attorney General and the office of Deputy Attorney General, the Solicitor General shall perform the functions and duties of and act as Attorney General.

Dated: March 12, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc. 74–6334 Filed 3–19–74; 8:45 am]

**Title 36—Parks, Forests and Public
Property**

**CHAPTER II—FOREST SERVICE,
DEPARTMENT OF AGRICULTURE**

PART 295—USE OF OFF-ROAD VEHICLES

Operating Conditions

In a notice of proposed rulemaking published on October 23, 1973 (38 FR 29232), the Forest Service requested public comment on a proposal for operating conditions of off-road vehicles on National Forest System lands.

Comments were received from governmental Agencies (national, State, and local), organizations, companies, and formal groups, as well as many private individuals. The majority of respondents expressed support for the regulations in general, but numerous suggestions were made for change or improvement.

Section 295.6, *Operating Conditions*, had been reserved in newly promulgated Part 295 as published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26723). Part 295 contains definitions and regulations which apply to § 295.6.

The proposed § 295.6 has been rephrased in language which will clearly specify prohibition of given action in the operation of off-road vehicles. Several subheadings have been added to help clarify the meaning of the regulations and avoid ambiguity.

Several respondents misunderstood the licensing provisions. Accordingly, the language was changed to reflect the Forest Service intent that no new licensing be proposed, but that off-road vehicles operating on National Forest System lands comply with the State laws which apply to the licensing and operation of such vehicles. The language regarding operation by young people has been revised. Its intent is that protection of land, wildlife, and vegetational resources will be enhanced when young riders are accompanied or supervised by a mature person who should be better able to understand the complex ecological relationships and advise on proper conduct. This provides a place for young people to ride even though some respondents recommended excluding them.

In response to some respondents' contention that paragraph (a) (1) of § 295.6 was vague and reflected "street standards" for operation of vehicles, renumbered paragraph (c) provides more descriptive language which will help protect and reduce conflicts with other users of the National Forests.

Some respondents opposed setting any speed limits for off-road vehicles outside campgrounds. The intent is to protect soil, vegetation, and wildlife resources on specific areas where local Forest Officers determine the need and post the speed limits.

There were many comments about excessive damage to land, wildlife, and vegetative resources in paragraph (a) (4). In renumbered paragraph (f) of this section rewording makes this subsection apply where excessive damage is created by the operation of off-road vehicles, rather than when such damage is likely.

The Forest Service Manual 2351.5 provides for meeting applicable local resource standards for air, noise, plant cover, soil stability, water quality, fish and wildlife, and esthetics.

Many commented that the word "excessive" should be deleted from paragraph (f) of this section in relating to damage. Strictly interpreted, a regulation so worded could be used to eliminate off-road vehicles from use of the National Forests. This is not consistent with Executive Order 11644 and its direction to designate areas and trails on public lands where off-road vehicles can be used as well as where such vehicles are restricted or prohibited.

Proposal paragraph (c) regarding the use of mufflers and spark arresters was divided into two new subsections to improve clarity. Operable mufflers are required for internal combustion engines in paragraph (h). A spark arrester may be required for internal and external combustion engines as determined by the Forest Officer at the time when areas and trails are designated for off-road vehicles use. This will allow designations and requirements which will meet specific local needs. For example, an area designated for off-road vehicles use during the period from October to April when at least 4 inches of snow is on the ground may not require spark arresters. In general, spark arresters may not be needed on snowmobiles. An addition to paragraph (i) provides that the Forest Service will determine whether spark arresters meet the prescribed standards.

Proposal paragraph (d) has been renumbered as paragraph (j) and reworded to provide that an operable braking system is required in recognition that some off-road vehicles rely upon engine compression for reducing speed rather than brakes. When a vehicle uses brakes for reducing speed, they must be in operable condition. Paragraph (k) provides for operable headlights and a taillight when off-road vehicles are used during hours of darkness even though this time of use may be minimal.

Paragraph (f) has been renumbered as paragraph (l) and reworded to reflect suggestions of the Environmental Protection Agency (EPA). Noise emission standards refer to the sound emitted from the off-road vehicle. Environmental noise refers to combinations of sound in the environment and may include off-road vehicles in addition to other sources of sound. We understand that noise emission standards will be proposed by EPA for adoption in 1974. Many respondents asked for requirements of snow depth before operation of snowmobiles and that off-road vehicles be prohibited during soil moisture conditions conducive to rutting of soil and erosion. Such provisions will be made when local situations are considered and when areas and trails are designated following public participation as indicated in §§ 295.3 and 295.4.

Suggestions that these regulations require insurance for bodily injury, property damage and liability for uninsured vehicles, and that reflectorized material

be mandatory on off-road vehicles, were considered. Such requirements would be applicable under paragraph (g) when States enact the necessary laws and regulations.

Several suggested that the Forest Service conduct training courses for off-road vehicle operation similar to extant hunter-safety training conducted in many States. The International Snowmobile Industry Association has developed programs to educate snowmobile operators and to require youthful snowmobile operators to obtain safety certificates. Other interested industry associations and responsible groups might consider similar programs for other types of off-road vehicles.

The final consideration relates to adding a sentence to the end of § 295.3, *Planning designation of areas and trails*, to make explicit an understanding that was intended and can be inferred in §§ 295.1-295.9. The authority to designate areas and trails where off-road vehicles can be used, and where they are restricted or prohibited, was delegated by administrative instructions in the Forest Service Manual, Chapter 2350, by the Chief to Regional Foresters and Forest Supervisors. These officials would plan the designation of areas and trails, achieve public participation, review of proposals and then adopt the designations, and make information of these actions available to the public. The sentence to be added at the end of § 295.3 makes explicit that Regional Foresters and Forest Supervisors are authorized to make the designations. Because this addition embodies direction implicit in the existing §§ 295.1 to 295.9, formal rulemaking procedures are unnecessary.

In consideration of the foregoing, 36 CFR Part 295 is amended as follows:

1. Section 295.3 is amended by adding a sentence at the end of the section to read as follows:

§ 295.3 Planning designation of areas and trails.

* * * Regional Foresters and Forest Supervisors are authorized to designate areas and trails for off-road vehicles use, use restrictions, and closures to any or all types of such use.

2. Proposed 295.6 is adopted, as changed, to read as follows:

§ 295.6 Operating conditions.

The following acts are prohibited when off-road vehicles are operated on areas or trails of National Forest System lands:

(a) Operation without a valid operator's license or learner's permit if required by the laws of the State in which the vehicle is being operated for that particular type of off-road vehicle;

(b) Operation by an unlicensed person under 18 years of age unless accompanied by or within sight of a responsible adult who has a valid operators license if a license is required by the State for the type of vehicle being operated;

(c) Operation in a manner disregarding the rights and safety of others, or so

as to endanger, or be likely to endanger, any person or property;

(d) Operation in excess of established speed limits;

(e) Operation while the operator is under the influence of alcohol or drugs;

(f) Operation in a manner creating excessive damage or disturbance of the land, wildlife, or vegetative resources;

(g) Operation not in conformance with applicable State laws and regulation requirements established for off-road vehicles;

(h) Operation when an internal combustion engine is not equipped with a properly installed muffler in good working condition;

(i) Operation when an internal or external combustion engine is not equipped with a properly installed spark arrester, provided that such equipment is specified when an area or trail is designated for use by off-road vehicles. Such spark arrester shall meet and be qualified to either the Department of Agriculture, Forest Service Standard 5100-1a, or the 80 percent efficiency level when determined in accordance with the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. Qualification of spark arresters to either the Forest Service Standard of SAE Recommended Practices shall be determined by the Forest Service;

(j) Operation without an operable braking system;

(k) Operation from one-half hour after sunset to one-half hour before sunrise without working headlights and taillight;

(l) Operation which does not comply with:

(1) Any applicable noise emission standard established by the Administrator, Environmental Protection Agency, under authority of section 6 of the Noise Control Act of 1972 (Pub. L. 92-574);

(2) Any applicable U.S. Department of Agriculture or State standards for permissible levels of environmental noise. In case of overlapping standards, the most stringent standards will govern.

Effective date. This amendment is effective March 20, 1974.

Dated: March 14, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc. 74-6371 Filed 3-19-74; 8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 50—POLICIES OF GENERAL APPLICABILITY

Sterilization of Persons by Federally Assisted Family Planning Projects; Third Deferral of Effective Date

This notice defers for an additional 30 days the effective date of regulations published and effective on February 6, 1974 on sterilization restrictions in fed-

erally funded programs and projects (39 FR 4730, 4733).

The effective date of the regulations has previously been delayed for 30 days (39 FR 5315) and 10 days (39 FR 9178, March 8, 1974) to permit resolution by the United States District Court for the District of Columbia of legal issues raised in *Relf v. Weinberger*, Civil Action No. 1557-73, and in *National Welfare Rights Organization v. Weinberger*, Civil Action No. 74-243.

On March 15, 1974 the United States District Court entered its judgment and order in the two lawsuits referred to above declaring that the family planning sections of the Public Health Service Act (42 U.S.C. 300 et seq., 708(a)(3)) and of the Social Security Act (42 U.S.C. 602(a)(15), 1396d(a)(4)(C)) do not authorize the provision of Federal funds for the sterilization of any person who (1) has been judicially declared mentally incompetent, or (2) is in fact legally incompetent under the applicable state laws to give informed and binding consent to the performance of such an operation because of age or mental capacity. The court further ordered that the officials of this Department be enjoined from providing funds under the aforesaid family planning sections for the sterilization of either of the two categories of persons just described. The court further ordered that the sterilization restriction regulations be amended to conform with the directives just described and that they further be amended to state that Federal funds will not be provided under the aforesaid family planning sections for the sterilization of a legally competent person without requiring that such person be advised at the outset and prior to the solicitation or receipt of his or her consent to such an operation that no benefits provided by programs or projects receiving Federal funds may be withdrawn or withheld by reason of his or her decision not to be sterilized, and without further requiring that such advice also appear prominently at the top of the consent document mentioned in those regulations.

In order for the Department, in compliance with the order of the United States District Court, to consider what action must be taken to amend its sterilization restriction regulations, and to take such action, I have determined that their effect should be delayed an additional 30 days. Accordingly, notice is hereby given that the effective date of the regulations is delayed for an additional 30 days until April 17, 1974, and the previous notice of the Department on Sterilization Guidelines—Departmental Policy, 38 FR 20903, is continued in effect until that date.

Dated: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74-6592 Filed 3-19-74; 8:45 am]

Title 46—Shipping
CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION
PART 137—SUSPENSION AND
REVOCATION PROCEEDINGS

Time for Filing, Contents, etc.

CFR Correction

In § 137.30-1 appearing on page 577 of 46 CFR Ch. I, revised as of October 1, 1973, the second line of paragraph (g) was inadvertently omitted. The second line of paragraph (g) should be inserted to read as follows: "neither the investigating officer nor the".

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Sterilization of Persons by Federally Assisted Family Planning Projects; Third Deferral of Effective Date

CROSS REFERENCE: For a document issued jointly by the Public Health Service and the Social and Rehabilitation Service concerning restrictions applicable to deferral of effective date for sterilization procedures in federally assisted family planning projects, see FR Doc. 74-6592, *supra*.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Correct Addresses of Common Carrier Bureau Field Offices

1. This order is for the purpose of correcting the addresses of the New York Field Office and the St. Louis Field Office of the Common Carrier Bureau as set forth in § 0.93 of the Commission's rules and regulations.

2. Authority for this amendment is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules. The prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply inasmuch as this amendment is editorial.

3. Consequently, it is ordered, effective March 26, 1974, that § 0.93 is amended to read as set forth below:

§ 0.93 Field offices.

Common Carrier Bureau field offices are located in Room 1309X, 90 Church Street, New York, N.Y. 10007; and Room

546, 210 N. Twelfth Street, St. Louis, Mo. 63101.

Adopted: March 12, 1974.

Released: March 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.74-6396 Filed 3-19-74; 8:45 am]

[Docket No. 19810; RM-2153]

PART 73—RADIO BROADCAST SERVICES
TV Station in Myrtle Beach, S.C.; Table of Assignments

In the matter of amendment of § 73.606 (b), television table of assignments, TV broadcast stations (Myrtle Beach, South Carolina).

1. On September 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-entitled matter (FCC 73-911, 38 FR 26008) proposing to amend the Television Table of Assignments contained in § 73.606(b) of the Commission's rules by assigning Channel 43 to Myrtle Beach, South Carolina as its first commercial television assignment. Comment and reply comment dates were designated as October 23 and November 1, 1973. These dates were extended to October 30 and November 8, 1973, respectively. The Notice was issued in response to a petition for rulemaking, RM-2153, by Greater Myrtle Beach Television Corporation (Myrtle Beach) which proposes to apply for a construction permit to operate a station on Channel 43 at Myrtle Beach if the channel is assigned.

2. Myrtle Beach and Platt Broadcasting Company, Inc. (Platt) filed supporting comments. No comments in opposition were received. In the Notice it was pointed out that the various statistics cited by Myrtle Beach in its petition as to the growth of Myrtle Beach and other communities in the area (including Myrtle Beach Base and Surfside Beach Town) and various population divisions (the Myrtle Beach Division, Lois West Division, Lois South Division, and Lois East Division), and the abundance of other information submitted showing the tremendous growth of the Myrtle Beach area was sufficient enough indication of the need for an assignment for the Commission to propose making an assignment to Myrtle Beach. However, since channel assignments are made to a specific community, Myrtle Beach was requested to furnish data and information in its comments specifying the relationship of the various communities and population

¹ Platt is a South Carolina corporation which has been formed for the purpose of obtaining authorizations to construct and operate a UHF television broadcast station at Myrtle Beach, South Carolina. The sole stockholders of the company are Dr. and Mrs. V. P. Platt, Jr.

areas to the city of Myrtle Beach, the length of the tourist season, and the breakdown of statistics between the city of Myrtle Beach and county district of Myrtle Beach. Both Myrtle Beach and Platt have responded with the necessary exhibits (maps and population tables) in answer to the request of the Notice and thereby leave no doubt as to the merits of an assignment to Myrtle Beach. In addition both Myrtle Beach and Platt state that applications will be filed for authority to construct and operate a station if an assignment is made.

3. Myrtle Beach is located in an area where unassigned but available UHF television broadcast channels are not considered scarce. Of the 14 channels available for assignment to Myrtle Beach, Channel 43 appears to be the most efficient assignment. Its assignment meets all minimum mileage separation requirements of the Commission's rules, requires no channel juggling of existing assignments in the Table, and has the least adverse preclusionary effect on possible channel assignments to other cities within the assignment area.

4. In view of the foregoing, the Commission believes that the public interest would be served by assigning Channel 43 to Myrtle Beach, South Carolina. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is ordered, That, effective April 19, 1974, the Table of Assignments in § 73.606(b) of the Commission's rules is amended insofar as the city listed below is concerned to read as follows:

City	Channel No.
Myrtle Beach, South Carolina.....	43

5. It is further ordered, That this proceeding IS TERMINATED.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6393 Filed 3-19-74; 8:45 am]

[Docket No. 19826; RM-2214]

PART 73—RADIO BROADCAST SERVICES

TV Station in Wheeling, W. Va.; Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations. (Wheeling, West Virginia)

1. The Commission here considers the notice of proposed rule making, adopted September 11, 1973 (FCC 73-953), proposing amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to reserve Channel 41 at Wheeling, West Virginia, for noncommercial educational use. The only comments filed are those of the petitioner West Virginia Board of Regents, which as pertinent here is the

licensee of noncommercial educational television broadcast Station WWVU-TV, Morgantown, West Virginia, and translator Station W41AA, Channel 41 at Wheeling.

2. The issues are as stated in the Notice. Wheeling, population 48,188, has three television assignments: Channels 7, 14, and 41; Channel 7 is occupied by Station WTRF-TV; Channel 14 is unavailable for use pending further action in Docket No. 18261 which concerns the use of that channel for the land mobile service; and Channel 41 is licensed to the West Virginia Board of Regents as Translator Station W41AA.

3. The West Virginia Board of Regents more or less reiterates the information previously stated in its petition and briefly outlined in our Notice. As part of its program to provide a permanent state-wide system of educational television for West Virginia, the Board of Regents together with the West Virginia Educational Broadcasting Authority¹ is constructing a seven station translator network throughout the state for the purpose of extending the programming of Station WWVU-TV to areas unserved in West Virginia by educational television. WWVU-TV broadcasts 77 hours of weekly programming including a full week-day school service, programming from the Public Broadcasting Service, the Eastern Educational Television Network, and the Public Television Library. As concerns the instant proposal, the translator network would extend educational programming (which as of the date of the petition served approximately 85 percent of the state's population) to ten additional counties in the Northern Panhandle. Local commercial television service at Wheeling is provided by Wheeling's Station WTRF-TV as well as many out-of-state stations including Stations WSRB-TV, Channel 9, Steubenville, Ohio, and stations at Pittsburgh, Pennsylvania, and Youngstown, Ohio. Station W41AA on Channel 41 provides educational noncommercial service. The Board of Regents as part of its comments includes letters of support from sixteen educational authorities and community leaders.

4. As stated in the Notice, the purpose of the proceeding is that the Board of Regents wants to assure itself that Channel 41 is reserved for noncommercial use with the possibility of the translator being activated as a broadcast station. In the circumstances, it would appear that the public interest, convenience, and necessity would be served by reserving Channel 41 at Wheeling, West Virginia, for noncommercial educational use.

5. In view of the foregoing and pursuant to authority found in §§ 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, § 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments, as concerns Wheeling, West

¹ The latter is the licensee of noncommercial educational Station WMUL-TV, Channel *33, Huntington, and WSWP-TV, Channel *9, Grandview, West Virginia.

Virginia, is amended, effective April 19, 1974, as follows:

City	Channel No.
Wheeling, West Virginia.....	7, 14 ² , *41

6. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6394 Filed 3-19-74; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa and Nebr.

The following special regulations are issued and are effective on March 20, 1974.

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

IOWA-NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities on DeSoto National Wildlife Refuge, Missouri Valley, Iowa, are permitted from April 15 through September 30, 1974, inclusive, subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreation use is from April 15, 1974, through September 30, 1974. During this period, the area is open daily from 6 a.m. through 10 p.m., C.D.S.T. Between the dates of September 16 and September 30, 1974, all water oriented recreational activities, except boat and bank fishing, are prohibited. Swimming will be permitted from May 25 and September 2, 1974, between the hours of 11 a.m. and 7 p.m., and only in the designated beach area. Admittance onto the refuge is prohibited one hour prior to the scheduled closing time. Two separate mushroom picking areas are open daily to the public during the month of May, hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom

² Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

picking areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry onto the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted, but only in grills.

(d) Access to refuge waters with air boats or house boats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The maximum number of power boats greater than 25 horsepower that will be permitted on refuge waters at any one time is 100. Power boats above 25 horsepower may be launched only at the designated launching ramp at the south beach.

(g) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(h) The lake being long and narrow requires that all boaters keep to the right and maintain a highway type traffic pattern. Turns shall always be made to the operator's left except when beaching or docking a boat.

(i) A portion of the refuge lake is posted as a "No Wake Zone". Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(j) All boats are prohibited from loading or unloading passengers from the swimming area.

(k) All boat and bank fishermen will be permitted to use the entire lake.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in 50 CFR 28, and are effective through September 30, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 11, 1974.

[FR Doc.74-6330 Filed 3-19-74; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Reseller Rule in Puerto Rico

This amendment to 10 CFR 212.91 is to make clear that the special provisions of that regulation under which certain entities of a refiner may be considered to be resellers shall not apply to any entity of a refiner which operates in Puerto Rico and which is owned or controlled by a refiner that is subject to the price regulations of Subpart E of Part 212 of the Federal Energy Office.

This action is being taken to insure that the Puerto Rican subsidiaries of refiners will be subject to the price regulations applicable to refiners until a determination is made as to whether such treatment is appropriate. The question of whether certain Puerto Rican subsidiaries of refiners should be considered as refiners, as resellers, or should be subject to some other form of price regulation, involves difficult questions which can best be resolved in a public rulemaking proceeding. A notice of proposed rulemaking and public hearing is therefore also being issued today, and it is intended to elicit information upon which a final decision with respect to this issue will be made.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations and to preserve the present price structure in Puerto Rico pending resolution of the rulemaking proceeding referred to above, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below effective immediately.

Issued in Washington, D.C., March 18, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 212.91 is amended to read as follows:

§ 212.91 Applicability.

This subpart applies to each sale of a covered product (other than the first sale

of crude petroleum) by resellers, reseller-retailers, and retailers, and to each sale of crude petroleum (other than the first sale) by a refiner. For purposes of this subpart, "reseller" includes any entity of a refiner (other than an entity which operates in Puerto Rico) which is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5 percent of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity.

[FR Doc.74-6633 Filed 3-19-74; 11:32 am]

[APPENDIX; RULINGS]

[RULING 1974-7]

TRUCK STOP LEASES

FACTS. Firm A is the lessee operator of a truck stop facility which provides retail fuel sales of gasoline and diesel fuel, restaurant services, vehicle repair facilities and other sales and service activities. Firm A leased the real property used for its truck stop facility under a single lease which, under the terms prevailing on May 15, 1973, provided for rental of the entire property, with the rent based on a percentage of total sales of fuel and a percentage of total sales of other products and services, subject to a certain minimum dollar amount.

Upon the expiration of this lease, after the implementation of the Cost of Living Council Phase IV rules for petroleum product prices which were subsequently incorporated into the FEO regulations as Subpart G of 10 CFR Part 212, the lessor seeks to establish a new lease for the truck stop which (1) treats the fuel sales portion of the real property as a separate property, with a separate and higher rental than was formerly required; and (2) treats the non-fuel sales portion of the real property as a separate property, with a separate and higher rental than was formerly required.

ISSUE #1. May the lessor establish separate rents for different uses of real property which was under a single lease for several uses on May 15, 1973?

ISSUE #2. May the lessor increase the rent above that which prevailed on May 15, 1973, either for the fuel sales portion of the real property or for the non-fuel sales portion of the real property, pursuant to an escalation clause or termination clause in the lease agreement in effect on May 15, 1973, or otherwise?

RULING. No. A lessor of real property used in retailing gasoline may not now treat separately uses of real property that were formerly treated in a single lease agreement, nor may it raise the

rent with respect to any use of such property beyond the rent charged pursuant to the contractual terms prevailing on May 15, 1973.

The real property covered by the single lease in effect on May 15, 1973, is regarded as the "real property used in retailing gasoline," as to which the lessor may not increase the rent under 10 CFR 212.103. The fact that the old lease provided separate formulas for the rent attributable to the particular uses of the real property does not provide a basis for

the lessor to make separate leases for these uses or to increase the rent, either separately or together, for these uses. The separate rental terms for different uses of the real property are included among "the contractual terms prevailing on May 15, 1973" which, under 10 CFR 212.102 define the "base rent with respect to a lease of real property used in the retailing of gasoline" which a lessor may not increase, under 10 CFR 212.103.

Thus, a lessor which leased real prop-

erty used in the retailing of gasoline—irrespective of other uses of the real property—may not exceed in any respect the rental for either the "fuel area" or the "non-fuel area", that was being charged on May 15, 1973, pursuant to the contractual terms prevailing on May 15, 1973.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MARCH 16, 1974.

[FR Doc.74-6634 Filed 3-19-74; 11:32 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

United States Customs Service

[19 CFR Part 19]

SMELTING AND REFINING WAREHOUSES

Filing of a Monthly Statement by the Principal of Two or More Bonded Warehouses Under the Same Blanket Bond

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 312, 624, 46 Stat. 692, as amended, 759 (19 U.S.C. 1312, 1624), it is proposed to amend § 19.17(g) of the Customs regulations to require that, where two or more bonded smelting and refining warehouses are included under one blanket smelting and refining bond, the principal shall set forth the bonded charges for each plant in an overall monthly statement filed with Customs.

Section 19.17(g) currently provides that where two or more smelting and refining warehouses are included under one blanket smelting and refining bond, the principal of these warehouses shall file with Customs an overall monthly statement showing, as of the close of the preceding month, the inventory of all metals on hand at each plant covered by the blanket bond and the total of bonded charges for all plants. Each Customs district is responsible for ascertaining the accuracy of the inventory report with regard to the amounts held at smelting and refining plants within the district. However, because companies report only the total sum of bonded charges, the individual district offices are unable to determine whether all bonded charges in their districts have been included in the total. To enable the district offices to determine whether all bonded charges in their district have been included in the monthly statement, the proposed amendment requires that the monthly statement submitted by the principal of two or more bonded smelting and refining warehouses show the bonded charges for each plant covered under its blanket bond.

Accordingly, it is proposed to revise paragraph (g) of § 19.17 of the Customs regulations to read as follows:

§ 19.17 Application to establish warehouse; bond.

(g) Where two or more smelting and refining warehouses are included under one blanket smelting and refining bond, an overall statement shall be filed by the principal of the warehouses with Head-

quarters, United States Customs Service, and with each district director involved, by the 28th of each month, showing as of the close of the preceding month the inventory of all metals on hand at each plant covered by the blanket bond, and the bond charges at each of the plants. Each district director in whose district one or more plants are located shall be responsible for verifying the accuracy of the inventory report insofar as the amounts held at plants under his jurisdiction are concerned. All discrepancies which cannot be reconciled by the district director shall be reported immediately to Headquarters, United States Customs Service. If Headquarters finds that the aggregate quantity of dutiable metal at the several plants does not equal the quantity charged against the blanket bond, duties shall be collected for the quantity determined to be deficient.

Prior to the adoption of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before April 19, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)) at the Regulations Division, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 12, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

[FR Doc.74-6431 Filed 3-19-74; 8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

SPECIAL INQUIRY OFFICERS

Authority to Determine Deportability

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 242.8(a) pertaining to the authority of special inquiry officers.

Although it has been the Service view that in deportation proceedings conducted under the present regulations special inquiry officers have authority, as an incident of determining deportability

to dispose of any contentions invoking Articles 32 and 33 of the Convention Relating to the Status of Refugees, litigants have questioned that interpretation of the regulations. In order to remove such doubts and to end unnecessary litigation, the amendment is being proposed so that such authority will be expressly stated. The proposed amendment is not intended as a concession that in any particular situation Article 32 or 33 enlarges or adds to the rights of an alien under the immigration laws of the United States.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7103-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by April 19, 1974, will be considered.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.8(a), the first sentence is amended to read as follows:

§ 242.8 Special inquiry officers.

(a) *Authority.* In any proceeding conducted under this part the special inquiry officer shall have the authority to determine deportability and to make decisions, including orders of deportation as provided by section 242(b) of the Act; to consider claims for relief from deportation under Articles 32 and 33 of the Convention Relating to the Status of Refugees, as amended by the Protocol Relating to the Status of Refugees; to reinstate orders of deportation as provided by section 242(f) of the Act; to determine applications under sections 244, 245, and 249 of the Act; to determine the country to which an alien's deportation will be directed in accordance with section 243(a) of the Act; to order temporary withholding of deportation pursuant to section 243(h) of the Act, and to take any other action consistent with applicable provisions of law and regulation as may be appropriate to the disposition of the case. . . .

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: March 14, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration
and Naturalization.

[FR Doc.74-6357 Filed 3-19-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WIND RIVER IRRIGATION PROJECT, WYO.

Operation and Maintenance Charges

Correction

In FR Doc. 74-4556 appearing on page 7583 of the issue for Wednesday, February 27, 1974, immediately following the 22d line of the first paragraph, which reads "the LeClair-Riverton Irrigation District", insert "assessment charges for Indian land for".

Bureau of Land Management

[43 CFR Part 3500]

LEASING OF MINERALS OTHER THAN OIL AND GAS; GENERAL

Use of Identification Numbers

The purpose of this proposed amendment is to require applicants for a lease under 43 CFR 3500 to supply an identification number. Holders of existing leases would be required to supply such number upon written request.

The proposed amendment would simplify procedures and reduce administrative costs in computing acreages held by individuals or companies, in compliance with limitations on holdings provided by law. (30 U.S.C. 181 et seq. and 30 U.S.C. 351-359.) The present system relies on the applicant's name as stated on the application or lease. Slight variations in names or different addresses result in separate computer reports. Substantial effort is then required to manually compute aggregate acreages. The proposed system would result in one complete computer report.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until April 19, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In 43 CFR Chapter II, Part 3500 is amended by adding § 3502.7a.

§ 3502.7a Identification number.

Each applicant for lease or permit or each successful bidder in a competitive lease sale must submit an identification number with his application or bid. For

an individual this number shall be his Social Security number. For a corporation, partnership, or association, the number shall be its Internal Revenue Service Employer identification number. Subsidiaries shall file both their own IRS number and that of their parent corporation. Lessees and permittees of all previously issued leases or permits shall submit their identification numbers within 30 days of receipt of a request from the appropriate Bureau office.

JACK O. HORTON,

Assistant Secretary of the Interior.

MARCH 14, 1974.

[FR Doc. 74-6327 Filed 3-19-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO-352-A2]

HANDLING OLIVES GROWN IN CALIFORNIA

Cancellation of Hearing and Termination of Proceeding

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a notice setting forth certain proposals, and a location, date, and time for a public hearing thereon was published in the FEDERAL REGISTER (36 FR 3199), with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The proposals were submitted by the Olive Administrative Committee, the administrative agency established pursuant to the marketing agreement and order.

During the course of said hearing, Consolidated Olive Growers, Inc. (a cooperative now trading as Lindsay Olive Growers) introduced a modification of material issue 8 (relative to amending § 932.52 *Outgoing regulations*) which modification would have broadened the scope of the original proposal on that issue. Supporting and opposing testimony was received on the proposed modification and numerous briefs were filed.

On July 21, 1971, the Deputy Administrator, Regulatory Programs, issued a recommended decision (36 FR 13839) which included the aforesaid modification. Subsequently, the Olive Administrative Committee, on the basis of a majority vote within the committee, filed an exception to the proposed modification which had been included in the recommended decision. Recommendation of the proposed modification was withdrawn by the final (Secretary's) decision of September 3, 1971 (36 FR 18093). Said decision also ordered that the olive industry be provided with further opportunity to present evidence on material issue 8 and set December 8, 1971, as the tentative date for reopening the hearing.

Prior to the scheduled date for reopening the hearing, Consolidated Olive Growers, Inc., forwarded to the Department a request for indefinite postponement of the hearing pending resolution of differences among principals in the industry and development of support of its proposal. On December 2, 1971, the Deputy Administrator, Regulatory Programs, issued a Notice of Postponement of Hearing With Respect to Proposed Further Amendment of the Marketing Agreement and Order (36 FR 23222).

The economic situation, particularly as it relates to the olive industry, has changed greatly since 1971 and the matter is no longer being pursued actively by Lindsay Olive Growers. Accordingly, the firm, on February 11, 1974, forwarded to this Department a request for termination of the proceeding.

In view of the foregoing it is concluded that no useful purpose would be served by further indefinite postponement of a reopened hearing. Therefore, the notice of a reopened hearing with respect to material issue 8 (36 FR 18093), including the postponement thereof (36 FR 23222), is hereby withdrawn and the proceeding terminated.

Done at Washington, D.C., this 14th day of March 1974.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[FR Doc. 74-6370 Filed 3-19-74; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 253]

AID TO FISHERIES

Commercial Fisheries Research and Development

Notice is hereby given that it is proposed to revise Part 253, Subchapter F, Chapter II of Title 50 of the Code of Federal Regulations. This revision is pursuant to section 8 of the Commercial Fisheries Research and Development Act of 1964, as amended (16 U.S.C. 779-779f).

Part 253 sets forth procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries resources of the Nation. The proposed revision, among other things, would permit a State to voluntarily release funds available to it under subsection 5(a) of the Act so that such funds may be made available to any other State. Section 253.4(a) is revised as follows:

§ 253.4 Use of funds.

(a) *Apportionment of subsection 4(a) funds.* (1) On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify the respective States of the amount of funds authorized under subsection 4(a) of the Act and apportioned to each State under subsection 5(a) of the Act. Funds apportioned to a State in any fiscal year shall remain

available to it for obligation until the end of the succeeding fiscal year.

(2) Any State which is unable to use any or all of the funds apportioned to it may voluntarily release all or any part of such apportioned funds. Such release must be in writing and signed by the State official in charge of the agency designated under Section 253.3(a) of these regulations or some other appropriate State official. Any apportioned funds released by a State may be made available by the Secretary to any other State, to supplement the funds apportioned to such other State in the fiscal year in which the released funds were apportioned, when the Secretary determines that such State is able to make prompt and effective use of such funds to carry out the purposes of the Act: *Provided, however*, That in the fiscal year in which such released funds were apportioned, no State may have available to it funds in excess of 6 percent of the total funds apportioned in that fiscal year. The voluntary release of apportioned funds by a State shall not affect the apportionment of funds to that State or any other State in succeeding fiscal years.

Interested persons may submit written comments, suggestions, or objections concerning this proposed revision to the Director, National Marine Fisheries Service, Washington, D.C. 20235, until the close of business on April 8, 1974.

Issued at Washington, D.C. and dated March 15, 1974.

ROBERT W. SCHONING,
Director, National Marine
Fisheries Service.

[FR Doc. 74-6377 Filed 3-19-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SW-9]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Big Spring, Tex., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 19, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this

notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as herein-after set forth.

In § 71.171 (39 FR 354), the Big Spring, Tex., control zone is amended to read:

BIG SPRING, TEX.

That air space within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'51" N., longitude 101°31'24" W.); within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.); within 2 miles each side of the Big Spring VORTAC 190° T (180° M) radial extending from the Webb AFB 5-mile radius zone to 1 mile S of the VORTAC; within 2 miles each side of the Big Spring VORTAC 161° T (141° M) radial extending from the Howard County Airport 5-mile radius zone to the VORTAC; within 3 miles each side of the Webb VORTAC 007° T (357° M) radial extending from the Webb AFB 5-mile radius zone to 8 miles N of the VORTAC; and within 3 miles each side of the Webb VORTAC 177° T (167° M) radial extending from the Webb AFB 5-mile radius zone to 8 miles S of the VORTAC. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alteration of the Big Spring control zone is necessary due to relocation of the Webb, Tex., VORTAC and the adjustments to the instrument approach procedures predicated thereon. Alteration of the control zone will provide the necessary controlled airspace to contain the instrument approach procedures.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on March 11, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 74-6319 Filed 3-19-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Cherry Point, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal

Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 19, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Cherry Point transition area described in § 71.181 (39 FR 440) would be amended as follows: " * * * longitude 76°53'00" W.); * * * " would be deleted and " * * * longitude 76°53'00" W.); within a 6-mile radius of Beaufort-Morehead City Airport, Beaufort, N.C. (latitude 34°44'00" N., longitude 76°39'45" W.); within 3 miles each side of the 132° bearing from Marine Cherry Point RBN, extending from the 6-mile radius area to the 8.5-mile radius area * * * " would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Beaufort-Morehead City Airport. A prescribed instrument approach procedure to this airport, utilizing the Marine Cherry Point Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 12, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 74-6318 Filed 3-19-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NORTH CAROLINA STATE IMPLEMENTATION PLAN

Proposed Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of North Carolina's State Implementation Plan.

On November 2, 1973, pursuant to 40 CFR 51.15 and 51.6, the State of North Carolina submitted for the Environmental Protection Agency's approval additional compliance schedules. This publication proposes that certain of the compliance schedules be approved. Each proposed compliance schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do.

The schedules in table (a) of this notice are additions to the table published in the FEDERAL REGISTER of June 20, 1973, (38 FR 16144) as satisfying the compliance schedule requirements for State implementation plans. This list of June 20 is also amended in this publication by the deletion of certain schedules for which the final compliance date has been extended. This group of schedules is here presented in a new table (b) as satisfying the requirements for revisions in State implementation plans. In no case does the extension exceed one year beyond the previous final compliance date, and in most cases the extension is in the range of three to six months.

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street NE.
Atlanta, Georgia 30309
State of North Carolina
Office of Water and Air Resources
226 West Jones Street
Raleigh, North Carolina 27611

Each compliance schedule has been adopted by the Water and Air Quality Control Committee of the Board of Water and Air Resources and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of North Carolina.

All interested parties are encouraged to submit written comments on the proposed compliance schedules. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the North Carolina plan. Comments will be accepted

through April 19, 1974. These should be addressed to the Director, Air and Water Programs Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309, Attention: Mr. Thomas A. Strickland.
(42 U.S.C. 1857c-5)

Dated: March 11, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of 40 CFR Chapter I as follows:

1. Section 52.1774 is amended by adding new lines in correct alphabetical sequence to the table in paragraph (a) and by deleting from this table certain lines which, in revised form, constitute a new paragraph (b), as follows:

§ 52.1774 Compliance schedules.

(a) * * *

North Carolina						
Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Alamance County						
Alamance Knit Fabrics.....	Burlington.....	T-2222	II-2.2 IV-2.60	June 27, 1973	Immediately..	Feb. 20, 1974
Cone Mills Corp.: Granite Plant.....	Haw River.....	T-2235	II-2.2 IV-1.10 IV-2.40	.....do.....	.....do.....	Sept. 1, 1974
Tarbardrey Plant.....	do.....	T-2237	II-2.2 IV-1.10 IV-2.40	.....do.....	.....do.....	Do.
Dan River, Inc., Webco Knit Division.....	Burlington.....	T-2248	II-2.2 II-5.2 IV-2.30	.....do.....	.....do.....	Feb. 28, 1974
Glen Raven Mills: Altamahaw Division.....	Altamahaw.....	T-2234	II-2.2 IV-1.10	.....do.....	.....do.....	Oct. 22, 1973
Finishing Division.....	Glen Raven.....	T-2229	II-2.2 II-5.2 IV-2.30 IV-2.60	.....do.....	.....do.....	Do.
Winn-Dixie Raleigh, Inc. Store No. 874.....	Burlington.....	T-2364	IV-1.30	.....do.....	.....do.....	Dec. 15, 1973
Store No. 879.....	Graham.....	T-2370	IV-1.30	.....do.....	.....do.....	Do.
Anson County						
Burlington Industries: Ballet Hosiery Plant.....	Wadesboro.....	T-2344	II-1.3	June 29, 1973	Immediately..	June 1, 1974
Kenville, Inc.....	Lilesville.....	T-2317	II-2.2 IV-2.30	.....do.....	.....do.....	June 30, 1974
Wansona Manufacturing Corp.....	Wadesboro.....	T-2299	II-2.2	.....do.....	.....do.....	Dec. 1, 1974
Ashe County						
Thomasville Furniture Industries, Inc., Phenix Chair Plant.....	West Jefferson..	T-2254	II-2.2 II-5.2 IV-1.10 IV-2.40 IV-2.30 IV-2.60	June 27, 1973	Immediately..	Jan. 1, 1974
Beaufort County						
Cargill, Inc.....	Belhaven.....	T-2392	IV-2.30	July 27, 1973	Immediately..	Aug. 1, 1974
Do.....	Washington.....	T-2391	IV-2.30	.....do.....	.....do.....	Do.
Singer Furniture Division.....	do.....	T-2198	II-2.2 IV-1.10	June 27, 1973	.....do.....	Dec. 1, 1973
Bladen County						
Winn-Dixie Raleigh, Inc., No. 840.....	Elizabethtown..	T-2358	IV-1.30	June 29, 1973	Immediately..	Nov. 1, 1973
Veeder-Root Co.....	do.....	T-2228	IV-2.60	June 27, 1973	.....do.....	Dec. 10, 1973
Brunswick County						
Royster Co.....	Navassa.....	T-2393	II-2.2 II-5.2 IV-1.50	July 27, 1973	Immediately..	Oct. 1, 1974

PROPOSED RULES

Source	Location	Permit No.	Regulations Involved	Date of adoption	Effective date	Final compliance date
Cabarrus County						
Foils, Inc.	Harrisburg	T-2318	II-2.2 IV-2.30	June 28, 1973	Immediately	Jan. 30, 1974
Kerr Industries, Inc.:						
Main plant:						
(a) Tenter frames 3, 4, 5	Concord	T-2337	IV-2.30 II-2.2	June 29, 1973	do	Feb. 1, 1974
(b) Thermosol ovens 1, 3	do	T-2337	II-2.2 IV-2.30	do	do	Apr. 1, 1974
(c) Boilers 1 and 2	do	T-2337	II-2.2 IV-1.10	do	do	May 1, 1974
Plant 1A	do	T-2323	II-2.2 IV-2.30	do	do	Dec. 1, 1973
Plant 2:						
(a) Tenter frame	do	T-2324	II-2.2 IV-2.30	do	do	June 1, 1974
(b) Drum dryer	do	T-2324	II-2.2 IV-2.30	do	do	June 30, 1974
Oliver Martin Co., Inc.	do	T-2321	II-2.2 IV-2.30	June 28, 1973	do	Dec. 31, 1973
Chatham County						
Evans Products Co.	Moncure	T-2296	II-2.2 IV-2.40 IV-1.10	June 28, 1973	Immediately	Dec. 31, 1974
Cherokee County						
Bernhardt Industries, Inc., Mundy Lumber Co.	Marble	T-2275	II-2.2 IV-2.40 IV-1.10 IV-1.20	June 27, 1973	Immediately	Apr. 1, 1974
Chowan County						
Rose Brothers Paving Co., Inc.	Edenton	T-2206	II-2.2 II-5.2 IV-2.60 IV-1.40 IV-2.40	June 27, 1973	Immediately	Mar. 15, 1974
The United Piece & Dye Works	do	T-2221	II-2.2 II-5.2 IV-1.10 IV-2.40 IV-2.60	do	do	Dec. 31, 1974
Columbus County						
Crown Knitwear, Inc.	Chadbourn	T-2196	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Burrough's Tire Service	Whiteville	T-2219	II-1.3	do	do	Do
Cumberland County						
Cobb Paving Co.	Fayetteville	T-1634	IV-1.40	May 8, 1972	Immediately	Dec. 31, 1973
Cumberland County Board of Education:						
(a) Beaver Dam School	Roseboro	T-1594	II-2.2 IV-1.10 IV-2.40	May 5, 1972	do	Oct. 1, 1973
(b) Lillian Black School	Springdale	T-1595	II-2.2 IV-1.10 IV-2.40	do	do	Do
(c) Brentwood School	Fayetteville	T-1596	II-2.2 IV-1.10 IV-2.40	do	do	Do
(d) Cashwell School	Hope Mills	T-1597	II-2.2 IV-1.10 IV-2.40	do	do	Do
(e) Cedar Creek School	Fayetteville	T-1598	II-2.2 IV-1.10 IV-2.40	do	do	Do
(f) College Lakes School	do	T-1599	II-2.2 IV-1.10 IV-2.40	do	do	Do
(g) Cumberland Mills School	do	T-1600	II-2.2 IV-1.10 IV-2.40	do	do	Do
(h) District No. 7 School	Wade	T-1602	II-2.2 IV-1.10 IV-2.40	do	do	Do
(i) Legion Road School	Hope Mills	T-1604	II-2.2 IV-1.10 IV-2.40	do	do	Do
(j) Les Maxwell Adminis- tration Bldg.	Fayetteville	T-1621	II-2.2 IV-1.10 IV-2.40	do	do	Do
(k) Oakdale School	do	T-1609	II-2.2 IV-1.10 IV-2.40	do	do	Do

PROPOSED RULES

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
(l) Pine Fort School.....	do.....	T-1610	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Do.
(m) Raleigh Road School....	Linden.....	T-1611	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Do.
(n) Reilly Road School.....	Fayetteville.....	T-1612	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Do.
(o) Seabrook School.....	do.....	T-1613	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Do.
(p) Stedman School.....	Stedman.....	T-1615	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Do.
Winn-Dixie Raleigh, Inc. Store No. 877.....	Fayetteville.....	T-2353	IV-1.30	June 29, 1973	do.....	Nov. 1, 1973
Store No. 880.....	do.....	T-2355	IV-1.30	do.....	do.....	Do.
Store No. 895.....	do.....	T-2356	IV-1.30	do.....	do.....	Do.
Currituck County						
Beach Paving Co.....	Spot.....	T-2220	II-2.2 II-5.2 IV-1.40 IV-2.40	June 27, 1973	Immediately..	Nov. 30, 1973
Davidson County						
Burlington Industries, Inc.: Colony Craft Plant.....	Denton.....	T-2316	IV-2.60	June 28, 1973	Immediately..	Dec. 31, 1973
Raleigh Road Plant.....	Lexington.....	T-2325	IV-2.60	June 29, 1973	do.....	Do.
Table Plant.....	do.....	T-2315	IV-2.60	June 28, 1973	do.....	Do.
United Plant: (a) Hydrocarbons.....	do.....	T-2322	IV-2.60	do.....	do.....	Do.
(b) Cyclones.....	do.....	T-2322	IV-2.60	do.....	do.....	July 1, 1974
Carolina Panel Co., Inc.....	do.....	T-2326	II-2.2 IV-1.10	June 29, 1973	do.....	Dec. 31, 1973
Conner Carving Co., Inc.....	Thomasville.....	T-2327	II-2.2 IV-2.30	do.....	do.....	April 1, 1974
Kepley-Frank Co., Inc.....	Hardwood Lexington.....	T-2328	II-1.3	do.....	do.....	May 1, 1974
Masonite Corp.....	Thomasville.....	T-2329	IV-2.60	do.....	do.....	Dec. 1, 1973
Thomasville Furniture Industries, Inc.: Plant A.....	do.....	T-2334	IV-2.60	do.....	do.....	Jan. 1, 1974
Plant B.....	do.....	T-2336	IV-2.60	do.....	do.....	Do.
Plant C.....	do.....	T-2335	IV-2.60	do.....	do.....	Do.
Plant D.....	do.....	T-2330	IV-2.60	do.....	do.....	Do.
Plant L.....	do.....	T-2331	IV-2.60	do.....	do.....	Do.
Plant T.....	do.....	T-2333	IV-2.60	do.....	do.....	Do.
Davie County						
Lowe's Food Store No. 17.....	Mocksville.....	T-2346	II-1.3	June 29, 1973	Immediately..	Apr. 30, 1974
Edgecombe County						
Carolina Tire Co.....	Rocky Mount.....	T-2247	II-2.2 II-5.2 IV-2.30	June 27, 1973	Immediately..	Oct. 15, 1973
Edgecombe General Hospital.....	Tarboro.....	T-2298	IV-1.30	June 28, 1973	do.....	Nov. 6, 1973
Kaiser Agricultural Chemicals.....	Rocky Mount.....	T-2233	II-2.2 II-5.2 IV-1.50 IV-2.30	June 27, 1973	do.....	Dec. 1, 1973
Planters Oil Mill, Inc.: (a) Meal room operation.....	do.....	T-2379	II-2.2 II-5.2 IV-2.30 II-2.2 II-5.2	June 29, 1973	do.....	Oct. 1, 1973
(b) Lint handling operation.....	do.....	T-2379	IV-2.30	do.....	do.....	Oct. 1, 1974
F. S. Royster Merchantile Co., Inc.....	Tarboro.....	T-2380	II-2.2 II-5.2 IV-1.50	do.....	do.....	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 833.....	do.....	T-2365	IV-1.30	do.....	do.....	Dec. 15, 1973
Franklin County						
Louisburg College.....	Louisburg.....	T-2289	II-2.2 IV-1.10 IV-2.40	June 28, 1973	Immediately..	Oct. 1, 1973

PROPOSED RULES

Source	Location	Permit No.	Regulations Involved	Date of adoption	Effective date	Final compliance date
Gaston County						
Gaston County schools:						
(a) Bessemer City Central Gym.	Bessemer City	II-2.2 IV-1.10		Apr. 10, 1973	Immediately	June 30, 1974
(b) Costner Elementary	Dallas	II-2.2 IV-1.10		do	do	Do.
(c) Cramerton School Gym.	Cramerton	II-2.2 IV-1.10		do	do	Do.
(d) Lowell Elementary Gym.	Lowell	II-2.2 IV-1.10		do	do	Do.
(e) Lowell Elementary Bldg.	do	II-2.2 IV-1.10		do	do	Do.
(f) Lowell Elementary Office Bldg.	do	II-2.2 IV-1.10		do	do	Do.
(g) North Belmont Cafeteria.	North Belmont	II-2.2 IV-1.10		do	do	Do.
(h) North Belmont Office Bldg.	do	II-2.2 IV-1.10		do	do	Do.
(i) North Belmont Primary Bldg.	do	II-2.2 IV-1.10		do	do	Do.
(j) Mount Holly High Gym.	Mount Holly	II-2.2 IV-1.10		do	do	Do.
(k) Mount Holly High Auditorium.	do	II-2.2 IV-1.10		do	do	Do.
(l) Mount Holly High School Old Bldg.	do	II-2.2 IV-1.10		do	do	Do.
(m) Pleasant Ridge	Gastonia	II-2.2 IV-1.10		do	do	Do.
(n) Robinson School	do	II-2.2 IV-1.10		do	do	Do.
(o) Springfield	Stanley	II-2.2 IV-1.10		do	do	Do.
Gates County						
Ashton Lewis Lumber Co.	Gatesville	T-742	II-1.3	Apr. 7, 1971	Immediately	Mar. 1, 1973
Graham County						
Bemis Hardwood Lumber Co.:						
(a) Open burning	Robbinsville	T-2279	II-1.3	June 28, 1973	Immediately	Sept. 1, 1973
(b) Fuel combustion	do	T-2279	II-2.2 IV-1.20	do	do	Dec. 31, 1973
Granville County						
Winn-Dixie Raleigh, Inc. store No. 848.	Oxford	T-2371	IV-1.30	June 29, 1973	Immediately	Dec. 15, 1973
Halifax County						
Uptegraff Southern, Inc.	Roanoke Rapids	T-2249	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Winn-Dixie Raleigh, Inc. store No. 837.	do	T-2373	IV-1.30	June 29, 1973	do	Dec. 15, 1973
J. P. Stevens Co., Inc. Patterson Plant.	do	T-782	IV-1.10 IV-2.40	Apr. 15, 1971	do	July 15, 1973
Harnett County						
Alphin Brothers, Inc.	Dunn	T-2283	IV-1.30	June 28, 1973	Immediately	Oct. 31, 1973
Winn-Dixie Raleigh, Inc. store No. 897.	do	T-2349	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Haywood County						
U.S. Plywood, Champion Papers, Inc.	Canton	T-792	II-2.2 IV-1.10 IV-2.40	Apr. 16, 1971	Immediately	June 30, 1973
Henderson County						
General Electric Co., Lighting Systems Division.	Hendersonville	T-2266	II-2.2 II-5.2 IV-2.60 IV-2.30	June 27, 1973	Immediately	Apr. 1, 1974
Hertford County						
Rose Brothers Paving Co., Inc.	Murfreesboro	T-2204	II-2.2 II-5.2 IV-1.40 IV-2.40 IV-2.60	June 27, 1973	Immediately	Mar. 15, 1974

PROPOSED RULES

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Iredell County						
Bernhart Furniture Industries, plant No. 4.	Statesville.....	T-2332	IV-2.60	June 29, 1973	Immediately..	Oct. 31, 1973
Gilliam Furniture, Inc.	do.....	T-2341	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Oct. 30, 1973
Lowe's Food Stores, Inc.:						
Store No. 7	do.....	T-2345	II-1.3	do.....	do.....	Apr. 30, 1974
Store No. 16	do.....	T-2347	II-1.3	do.....	do.....	Do.
A. L. Shaver & Sons, Inc.	do.....	T-2340	II-2.2 IV-1.10	do.....	do.....	July 1, 1974
Statesville Chair Co.	do.....	T-2301	IV-2.60	June 28, 1973	do.....	Dec. 31, 1973
Superba Print Works	Mooresville.....	T-2306	IV-2.30	June 28, 1973	do.....	June 30, 1974
Troutman Chair Co.	Troutman.....	T-2339	II-2.2	do.....	do.....	Dec. 31, 1974
Jackson County						
Champion International Corp., Drexel Enterprises.	Whittier.....	T-2271	II-2.2 IV-1.10	June 27, 1973	Immediately..	Nov. 30, 1973
Johnston County						
Gurley's Inc.	Selma.....	T-2385	IV-2.30	June 29, 1973	Immediately..	June 30, 1974
T. E. Johnson Lumber Co.	Four Oaks.....	T-2230	II-1.3	June 27, 1973	do.....	Dec. 31, 1973
Ranch Redwood.	Smithfield.....	T-2231	IV-2.60	do.....	do.....	Nov. 1, 1973
Winn-Dixie Raleigh Inc., No. 881.	do.....	T-2372	IV-1.30	June 29, 1973	do.....	Oct. 15, 1973
Lee county						
Carnes Corp.	Sanford.....	T-2239	IV-2.60	June 27, 1973	Immediately..	Nov. 30, 1973
John W. Eshelman & Sons, Inc.	do.....	T-2236	IV-2.30	do.....	do.....	Nov. 1, 1973
Sanford City Board of Education, Sanford Central High School.	do.....	T-522	II-2.2 IV-1.10 IV-2.40	Mar. 8, 1971	do.....	Dec. 31, 1973
Lincoln County						
Leslie Fay, Inc.	Lincolnton.....	T-2309	II-2.2 IV-2.30	June 29, 1973	Immediately..	Mar. 1, 1974
Lowe's Food Store No. 10.	do.....	T-2348	II-1.3	do.....	do.....	Apr. 30, 1974
McDowell County						
International Musical Instruments.	Marion.....	T-2280	II-2.2 II-5.2 IV-2.60 IV-2.30	June 28, 1973	Immediately..	Dec. 31, 1973
Marimont Furniture, Inc.	do.....	T-2273	II-2.2 II-5.2 IV-2.60 IV-2.30	do.....	do.....	Oct. 30, 1973
Marion Manufacturing Co.	do.....	T-2287	II-2.2 IV-1.10 IV-2.40	June 27, 1973	do.....	June 30, 1974
McDowell County Court House.	do.....	T-2261	II-2.2 IV-1.10 IV-2.40	do.....	do.....	May 15, 1974
Pine Valley Division of Ethan Allen, plant No. 1.	Old Fort.....	T-2264	II-2.2 II-5.2 IV-2.30 IV-2.60	do.....	do.....	Dec. 31, 1973
Macon County						
Zickgraf Hardwood Co.:						
(a) Woodworking plant	Franklin.....	T-1956	II-2.2 IV-2.30	Dec. 13, 1972	Immediately..	June 30, 1973
(b) Woodwaste boilers	do.....	T-1956	II-2.2 IV-1.10	do.....	do.....	Aug. 1, 1973
Madison County						
Tri-County Concrete Co.	Mars Hill.....	T-2274	II-2.2 IV-2.30	June 27, 1973	Immediately..	Dec. 31, 1973
Moore County						
Glendon Pyrophyllite, Inc.	Glendon.....	T-2242	IV-2.30	June 27, 1973	Immediately..	Oct. 1, 1973
Fletcher Southern	Southern Pines..	T-2238	IV-2.30	do.....	do.....	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 855.	Raleigh.....	T-2364	IV-1.30	June 29, 1973	do.....	Dec. 15, 1973
Moore County						
Town of Vass.	Vass.....	T-107	II-1.3	Oct. 30, 1970	Immediately..	June 30, 1973

PROPOSED RULES

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Nash County						
Whitakers Gin Co.	Whitakers	T-2118	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	June 1, 1973
Nashville Building Supply Co.	Nashville	T-2094	II-2.2 IV-2.30	do	do	Dec. 30, 1973
Miller Manufacturing Co.	do	T-2290	II-2.2 IV-1.10 IV-2.40	June 28, 1973	do	Dec. 31, 1973
New Hanover County						
Sun Oil Co. of Pennsylvania	Wilmington	T-2210	IV-2.60	June 27, 1973	Immediately	Jan. 4, 1974
Northampton County						
Clary Lumber Co.	Gaston	T-2245	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Vivac Plant Foods, Inc.	Severn	T-2250	II-2.2 IV-2.30	do	do	Do.
Orange County						
Cone Mills Corp., Eno Plant	Hillsborough	T-2253	II-2.2 IV-1.10 IV-2.40	June 27, 1973	Immediately	Sept. 1, 1974
Pasquotank County						
IXL Furniture Co.	Elizabeth City	T-2208	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Person County						
Roxboro Concrete Services, Inc.						
Burch Ave. Plant	Roxboro	T-2240	II-2.2 IV-2.30	June 27, 1973	Immediately	Oct. 1, 1974
Depot St. Plant	do	T-2243	II-2.2 IV-2.30	do	do	July 1, 1974
Pitt County						
Cox Trailers, Inc.	Grifton	T-2212	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Fountain Milling Co.	Fountain	T-2217	II-1.3	do	do	Do.
Garris-Evans Lumber Co.	Greenville	T-2213	II-2.2 IV-1.10	do	do	Feb. 1, 1974
International Paper Co.:						
(a) Sander operation	Farmville	T-2202	II-2.2 IV-1.10 IV-2.00 IV-2.30	do	do	July 1, 1974
(b) Process steam boiler	do	T-2202	II-2.2 IV-1.10 IV-2.00 IV-2.30	do	do	Jan. 1, 1975
Union Carbide Corp.	Greenville	T-2215	IV-2.60	do	do	July 15, 1974
Polk County						
Southern Mercerizing Co.	Tryon	T-2282	II-2.2 IV-1.10 IV-2.40	June 28, 1973	Immediately	Dec. 31, 1973
Randolph County						
Carriek Turning Works, Inc.	High Point	T-2308	IV-2.60	June 29, 1973	Immediately	Dec. 31, 1973
Gregson Manufacturing Co.	Liberty	T-2305	II-2.2 IV-1.10 IV-2.40	June 28, 1973	do	Feb. 1, 1974
High Point Furniture Industries	High Point	T-2314	IV-2.60	June 29, 1973	do	Dec. 31, 1973
Liberty Bi-Rite	Liberty	T-2342	II-1.3	do	do	Apr. 1, 1974
Liberty Chair Corp.	do	T-2313	IV-2.60	do	do	Dec. 31, 1973
P & P Chair Co.	Asheboro	T-2312	IV-2.60	do	do	Do.
Text Industries	Liberty	T-2388	II-2.2 IV-2.30	do	do	Oct. 1, 1974
Richmond County						
Southeastern Asphalt & Concrete Co., Inc.	Rockingham	T-2311	II-2.2 IV-1.40	June 29, 1973	Immediately	Apr. 1, 1974
Robeson County						
Text Textured Fibers	Lumberton	T-2356	II-2.2	June 29, 1973	Immediately	Oct. 31, 1974
Winn-Dixie Raleigh, Inc.	do	T-2357	IV-1.30	do	do	Nov. 1, 1973
Winn-Dixie Raleigh, Inc.	do	T-2359	IV-1.30	do	do	Do.
Winn-Dixie Raleigh, Inc.	do	T-2359	IV-1.30	do	do	Do.
Wakulla Gin Co.	Wakulla	T-2001	II-2.2 IV-2.30	Dec. 15, 1972	do	June 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Rutherford County						
Haynes Plant, Cone Mills Corp.	Henrietta	T-2255	II-2.2 IV-1.10 IV-2.40	June 27, 1973	Immediately	Sept. 1, 1970
The General Fireproofing Co.	Forest City	T-2262	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Jan. 31, 1974
Rutherford Furniture Co., Inc.	Rutherfordton	T-2273	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 15, 1973
Sampson County						
Coharie Mill & Supply Co.	Clinton	T-2375	IV-2.30	June 29, 1973	Immediately	July 31, 1974
Fashion Farms, Inc.	do	T-2226	IV-2.60	do	do	Dec. 31, 1973
McGill Brothers, Inc.	Harrells	T-2227	II-1.3	June 27, 1973	do	Do.
Newton Grove Grain & Feed	Newton Grove	T-2284	IV-2.60	June 28, 1973	do	July 1, 1974
Salemberg Milling Co.	Salemberg	T-2376	IV-2.30	June 29, 1973	do	Do.
H. J. Underwood Co.	Clinton	T-2377	IV-2.30	do	do	Do.
Winn-Dixie Raleigh, Inc., store No. 838.	do	T-2351	IV-1.30	do	do	Nov. 1, 1973
Scotland County						
Cox Furniture	Maxton	T-2224	IV-2.60 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 823.	Laurinburg	T-2350	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Waverly Mills, Inc.	do	T-1996	II-2.2 IV-1.10 IV-2.40	Dec. 14, 1972	do	May 1, 1973
Stanly County						
Albemarle Scrap Metals	Albemarle	T-2310	II-2.2 IV-2.30	June 29, 1973	Immediately	Dec. 1, 1973
Surry County						
Surry County Board of Education, Westfield Elementary School:						
(1) Open burning	Westfield	T-1556	II-1.3	Apr. 28, 1972	Immediately	June 1, 1972
(2) Fuel combustion	do	T-1556	II-2.2 IV-1.10 II-5.2 IV-2.40	do	do	Sept. 1, 1973
Lowe's Food Stores, Inc., store No. 11.	Mount Airy	T-2343	II-1.3	June 28, 1973	do	Apr. 30, 1974
Oro Manufacturing Co.	Monroe	T-2307	II-2.60	June 29, 1973	do	Dec. 31, 1973
Swain County						
Consolidated Furniture Industries	Bryson City	T-2169	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	Immediately	Dec. 31, 1973
Vance County						
Vance County Board of Education, L. B. Yancey.	Henderson	T-1734	II-2.2 IV-1.10 IV-2.40	June 9, 1972	Immediately	Sept. 30, 1973

PROPOSED RULES

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Wake County						
Beckanna Apartments	Raleigh	T-2287	IV-1.30	June 28, 1973	Immediately	Dec. 30, 1973
Carolina Culvert Manufacturing, Inc.	do	T-2294	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Jan. 31, 1974
ESB, Inc., EMED	do	T-2331	II-2.2 II-5.2 IV-2.30 IV-2.40	June 29, 1973	do	Dec. 31, 1973
Raleigh Public Schools:						
(a) Barbee School	do	T-2252	II-2.2 IV-1.10 IV-2.40	June 27, 1973	do	Sept. 30, 1973
(b) Eliza Poole School	do	T-2251	II-2.2 IV-1.10 IV-2.40	do	do	Do.
North Carolina State Department of Correction, Central Prison:	do	T-2387	IV-2.60	June 29, 1973	do	June 1, 1974
(a) Paint manufacturing	do	T-2387	IV-2.60	do	do	Feb. 1, 1974
(b) License painting	do	T-2391	IV-1.30	June 28, 1973	do	Dec. 31, 1973
Rex Hospital	do	T-2297	II-2.2 IV-1.30	do	do	June 1, 1974
Wake Memorial Hospital	do	T-2288	II-2.2 IV-1.10 IV-2.40	do	do	Nov. 1, 1973
Wake County Opportunities, Inc.	do	T-2292	II-2.2 IV-2.00	do	do	Aug. 31, 1974
Wenco Furniture Co.	Wendell	T-2369	IV-1.30	June 29, 1973	do	Oct. 15, 1973
Winn-Dixie Raleigh, Inc., store No. 846	Zebulon					
Winn-Dixie Raleigh, Inc.:						
(a) Store No. 852	Raleigh	T-2363	IV-1.30	do	do	Do.
(b) Store No. 853	do	T-2362	IV-1.30	do	do	Do.
(c) Store No. 854	do	T-2361	IV-1.30	do	do	Do.
(d) Store No. 857	do	T-2360	IV-1.30	do	do	Do.
(e) Store No. 858	do	T-2368	IV-1.30	do	do	Do.
(f) Store No. 859	do	T-2367	IV-1.30	do	do	Do.
(g) Store No. 864	do	T-2366	IV-1.30	do	do	Do.
Panels, Inc.	do	T-2100	II-2.2 IV-2.00	Mar. 2, 1973	do	June 1, 1973
Ward Transformer	do	T-2114	II-1.3	do	do	Do.
Westinghouse Electric Corp., Westinghouse Meter Division	do	T-2153	II-5.2 IV-2.60	do	do	Sept. 1, 1973
Wayne County						
Bolling Chair Co.	Mount Olive	T-2214	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Wilson County						
Wilson City Board of Education:						
(a) Margaret Hearre School	Wilson	T-809	II-2.2 IV-1.10	Apr. 19, 1971	Immediately	Sept. 1, 1973
(b) Woodard School	do	T-810	II-2.2	do	do	Do.
Wilson County Board of Education:						
(a) Sims School	Sims	T-963	II-1.3 II-2.2 IV-1.10	May 4, 1971	do	Dec. 31, 1972
		T-963	IV-1.10	do	do	Dec. 31, 1973
(b) Lamms School	Wilson	T-964	II-1.3 II-2.2 IV-1.10	do	do	Dec. 31, 1972
		T-964	IV-1.10	do	do	Dec. 31, 1973
(c) Barkley Gin Co.	Elm City	T-2009	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
(d) Silver Lake Gin	do	T-2156	II-2.2 IV-2.30	do	do	Aug. 15, 1973
(e) Blue Bell, Inc.	Wilson	T-2097	II-1.3	do	do	June 30, 1973
North Carolina Highway Commission, Asphalt Mix Plant	do	T-1862	II-2.2 IV-1.40	Aug. 25, 1972	do	Dec. 31, 1972
Wilson County						
Wallace-Murry Corp., Fiberglass Division	Wilson	T-2256	IV-2.60	June 28, 1973	Immediately	Mar. 31, 1974
Hardee's of Wilson, Herring Ave.	do	T-2286	II-2.2 II-5.2 IV-2.30	do	do	Jan. 15, 1974
Hardee's of Wilson, Tarboro St.	do	T-2285	II-2.2 II-5.2 IV-2.3	do	do	Do.
Winn-Dixie Raleigh, Inc., store No. 888	do	T-2352	IV-1.30	June 29, 1973	do	Dec. 15, 1973
Kaiser Agriculture	do	T-1911	II-2.2 IV-2.30	Dec. 11, 1972	do	Sept. 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Wilkes County						
Lowe's Food Store, Inc., store No. 5.	North Wilkesboro.	T-1949	II-1.3	Dec. 12, 1972	Immediately	Sept. 1, 1973
American Drew, Inc.:						
(a) Plant No. 1.....	do.....	T-2258	II-2.2 II-5.2 IV-2.30 IV-2.60	June 27, 1973	do.....	Dec. 31, 1973
(b) Plant No. 2.....	do.....	T-2259	II-2.2 II-5.2 IV-2.30 IV-2.60	do.....	do.....	Do.
Key City Furniture Co.....	do.....	T-2260	II-2.2 II-5.2 IV-2.30 IV-2.60	do.....	do.....	Do.
W. H. McElwee.....	do.....	T-2272	II-2.2 IV-1.10 IV-2.40	do.....	do.....	Jan. 31, 1974
Phillips Tire Service.....	do.....	T-2277	II-1.3 II-5.2 IV-2.30	June 28, 1973	do.....	Dec. 1, 1973
Yancey County						
Tri-County Concrete Co.....	Burnsville.....	T-2263	II-2.2 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973
(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 and § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State.						
Alamance County						
Alamance Ready-Mix Concrete Co., Inc.	Graham.....	T-1951	II-2.2 IV-1.90 IV-2.30	Dec. 13, 1972	Immediately	Oct. 31, 1973
Acme Feed Mills, Inc.....	Burlington.....	T-2035	II-2.2 IV-2.30	Jan. 5, 1973	do.....	Do.
Ashe County						
Weaver Manufacturing Co., Inc.	West Jefferson...	T-2163	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Dec. 31, 1973
Chatham County						
Lee Paving Co.....	Pittsboro.....	T-1974	II-2.2 IV-1.40	Dec. 13, 1972	Immediately	Sept. 15, 1973
Columbus County						
Town of Lake Waccamaw.....	Lake Waccamaw.	T-266	II-1.3	Jan. 8, 1971	Immediately	Jan. 1, 1974
Johnston County						
Overton Co.....	Kenly.....	T-1428	II-2.2 IV-1.10 IV-2.40	Oct. 15, 1971	Immediately	Nov. 1, 1973
Lincoln County						
Cochrane Furniture Co., Inc.	Lincolnton.....	T-2023	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	Immediately	Oct. 30, 1973
New Hanover County						
Corbett Lumber Corp.....	Wilmington.....	T-2084	II-2.2 IV-1.10	Mar. 2, 1973	Immediately	Dec. 31, 1973
Exxon Co. (Humble Oil).....	do.....	T-2060	IV-2.60	do.....	do.....	Nov. 1, 1973
Pender County						
C. H. Clark & Son, Inc.....	Rocky Point.....	T-265	II-1.3	Jan. 8, 1971	Immediately	Dec. 31, 1973
Pitt County						
Town of Farmville.....	Farmville.....	T-294	II-1.3	Jan. 19, 1971	Immediately	Mar. 31, 1974
Town of Grimesland.....	Grimesland.....	T-228	II-1.3	Dec. 28, 1970	do.....	Do.
Town of Fountain.....	Fountain.....	T-133	II-1.3	Nov. 10, 1970	do.....	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Richmond County						
Standard Foundry & Manufacturing Co.	Rockingham	T-1841	II-2.2 II-5.2 IV-2.20 IV-2.30 IV-2.40	July 19, 1972	Immediately	Feb. 28, 1974
Rutherford County						
N. C. Display Fixture Co.	Forest City	T-2168	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	Immediately	May 31, 1974
Wright Veneer Co., Inc.	Spindale	T-1878	II-2.2 IV-1.10 IV-2.40	Apr. 11, 1972	do	Apr. 1, 1974
Wilkes County						
W. E. Sale & Sons, Inc.	Ronda	T-2031	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	Immediately	Apr. 1, 1974

[FR Doc.74-5971 Filed 3-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 83]

[Docket No. 19946]

SHIP STATIONS

Proposal Relating to Frequencies; Correction

In the matter of amendment of Parts 2 and 83—to make available the frequency 157.1 MHz for use by non-Government ship stations; to require that 157.1 MHz be fitted in VHF equipment first installed in ship stations after July 1, 1974; and to designate 156.3 MHz for search and rescue communications.

The notice of proposed rule making, FCC 74-193, in the above matter, released March 6, 1974, and published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9462), is corrected as follows: Paragraph 3 is deleted in its entirety and the following paragraph 3 is substituted.

3. Under this proposal, the VHF ship station licensee would be required (see § 83.106) to fit the frequencies 156.8, 156.3 and 157.1 MHz, one or more working frequencies, and all other frequencies necessary for the service of that vessel. While we are not proposing that 157.1 MHz be installed aboard vessels which are currently fitted with VHF; we anticipate that many will install 157.1 MHz for convenience in communications with the United States Coast Guard. The frequency 157.1 MHz will be limited in usage to communications with U.S. Coast Guard coast stations or intership with U.S. Coast Guard ship stations. Further, use of 157.1 MHz by vessels to communicate with the Coast Guard is expected to substantially reduce the number of such communications now being made on 156.8 MHz. While reduction of the loading on 156.8 MHz is highly desirable, we would stress that the Commission is not proposing or amending its rules to permit a ship station to shift its receiver watch from 156.8 MHz to 157.1

MHz. When a Coast Guard station, either ship or coast station, desires to contact a non-Government ship station, the Coast Guard will normally originate the call on 156.8 MHz; similarly, a non-Government ship station will originate calls to a Coast Guard station on 156.8 MHz.

Released: March 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6395 Filed 3-19-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

[Docket No. 206-14]

FIBER PRODUCTS IDENTIFICATION

Special Types of Products

Notice of proposed amendment of § 303.10, *Fiber content of special types of products*, to Cover Certain Graft Copolymer Man-made Fibers (Toyobo Co., Ltd., Applicant).

On February 2, 1971, Toyobo Co., Ltd., a corporation of Japan with principal offices at 8 Dojima Hamadori, 2 Chome, Kita-Ku, Osaka, Japan, filed an application pursuant to § 303.8 (16 CFR 303.8) of the rules and regulations under the Textile Fiber Products Identification Act, 72 Stat. 1717, et seq., 79 Stat. 124, 15 U.S.C. 70, et seq. (hereinafter referred to as "Act"), requesting that 16 CFR 303.7, setting forth generic names and definitions of manufactured textile fibers, be amended by adding thereto a new generic name and definition to cover its fiber called "Chinon" or "K-6." According to the application the fiber is comprised of about 30 percent by weight of casein which has been chemically modified by the grafting thereon of vinyl monomers, including acrylonitrile. The new generic definition proposed by applicant is as follows:

A manufactured fiber in which the fiber-forming substance is a graft copolymer of protein and vinyl monomers, the protein comprising 25 to 60 percent by weight of the fiber and the vinyl monomers comprising 40 to 75 percent by weight, at least one half the vinyl monomers by weight comprising acrylonitrile.

By letter of April 5, 1971, the Commission assigned to applicant's fiber the temporary designation "TO-0001," in accordance with § 303.8 (16 CFR 303.8) of the Commission's rules and regulations under the Act.

On February 25, 1972, a notice of proposed rule making was issued by the Commission in this proceeding and subsequently published in the FEDERAL REGISTER at 37 FR 4725. Such notice announced that the Commission was considering matters raised by the application and that interested parties could participate by submitting their views, arguments, or other pertinent data, in writing, to the Commission.

Applicant has provided the following description of its fiber.

*** [T]he new fiber is prepared as described in *** U.S. Patent 3,104,154 [Sept. 17, 1963] *** issued to Toyo Spinning Co., Ltd., applicant's previous name. The process for making the fiber involves dissolving in zinc chloride solution casein, a naturally occurring protein found in milk, and vinyl monomers which are predominantly acrylonitrile. The vinyl monomers are then polymerized in the solution to form a graft copolymer i.e. chains of the vinyl polymer project from protein molecules and together constitute a single polymeric mass which is in solution and which is extruded to form filaments.

The resulting filaments are a chemical hybrid, i.e. they are neither protein nor acrylic fiber. Thus, the product is not a mixture of the two materials and it is not possible to isolate or even to regenerate by chemical means the protein portion and the vinyl or acrylonitrile monomer portion, i.e. the chemical reaction involved is irreversible.

In the final fiber about 25-60 percent by weight comes from the initial protein, and about 40-75 percent from vinyl monomer units of which at least one-half by weight are acrylonitrile units.

The only party (other than applicant) who made submittals in this proceeding as E. I. du Pont de Nemours & Co., Inc. Du Pont recommended that paragraph (g) of § 303.7, the azlon definition, be amended to include applicant's fiber and that paragraph (b) thereof, the modacrylic definition, be amended to exclude the fiber.

After a thorough study of this matter, it has been tentatively determined by the Commission that TO-0001 should, for purposes of the Act and regulations thereunder, be designated in terms of what it is, i.e., a graft copolymer of azlon and acrylic (or azlon and modacrylic, if the acrylonitrile monomers of the vinyl component are less than 85 percent, but more than 35 percent by weight of such component), rather than by a new generic name. Therefore, the Commission proposes that a new paragraph, paragraph (d), be added to § 303.10 [16 CFR 303.10] so as generally to extend the coverage of this section to fibers com-

posed of graft copolymers. The proposed new paragraph reads as follows:

§ 303.10 Fiber content of special types of products.

(d) (1) Where a manufactured textile fiber is essentially a graft copolymer, the components of which, if appearing as separate fibers, would each fall within different existing definitions of textile fibers as set forth in § 303.7, the fiber content disclosure as to such fiber shall, for all purposes under these rules and the Act, (i) disclose that it is a graft copolymer fiber, (ii) set out the components contained in the fiber by appropriate generic names specified in § 303.7 in order of their predominance by weight, and (iii) set out the respective percentages of such components by weight.

(2) Examples of proper fiber content designations under this paragraph are:

- 100% Graft Fiber
- (70% Acrylic, 30% Azlon)
- 80% Graft Fiber (70% Acrylic, 30% Azlon)
- 15% Polyester
- 5% Rayon

Interested parties may participate in this proceeding by submitting in writing on or before May 20, 1974, their views, arguments, or other pertinent data to the Division of Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

This action is taken pursuant to section 7(c) of the Act, 72 Stat. 1721, 15 U.S.C. 70e(c), in accordance with 5 U.S.C. 553 and Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq.

By direction of the Commission, dated March 12, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-6313 Filed 3-19-74; 8:45 am]

POSTAL SERVICE

[39 CFR Part 777]

Relocation Assistance Procedures

In order to facilitate and promote compliance on a voluntary basis with the requirements of Titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894; 42 U.S.C. 4601-38 (1970)), the Postal Service has proposed regulations to be used by all elements of the Service in providing relocation assistance for persons displaced as a result of Postal Service facility programs.

Interested persons are invited to submit such written comments and suggestions concerning the proposed regulations as they may desire. Communications should identify the subject matter by the above title and should be submitted on or before May 15, 1974, in duplicate to Director, Office of Real Estate, Real Estate and Buildings Department, Room 7575, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. The proposals contained in this notice may

be changed in light of the comments received.

Following are the specific regulations proposed by the Postal Service. It is planned to codify the regulations under a new Part 777 in Subchapter K of Title 39, Code of Federal Regulations, when they are adopted.

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, it is proposed to amend the regulations of the Postal Service as follows: In 39 CFR, Part 777 is added to Subchapter K, Special Regulations and reads as follows:

PART 777—RELOCATION ASSISTANCE PROCEDURES

- Sec.
- 777.1 Purpose and policy.
- 777.2 General procedures.
- 777.3 Information on relocation assistance.
- 777.4 Definitions.
- 777.5 Project development.
- 777.6 Moving and related expenses.
- 777.7 Replacement housing payments for owner-occupants.
- 777.8 Replacement housing payments for non-eligible owner-occupants.
- 777.9 Replacement housing payments for tenants and certain others.
- 777.10 Relocation assistance advisory services.
- 777.11 Appeals.

AUTHORITY: 39 U.S.C. 401.

§ 777.1 Purpose and policy.

(a) The purpose of these regulations is to establish policy guidance for implementation of titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646; 84 Stat. 1894; 42 U.S.C. 4601-38 (1970)), hereinafter referred to as the Act, to assure prompt and equitable relocation assistance for persons displaced as a result of United States Postal Service facility programs. Regulations pertaining to Title III of the Act which relate to uniform real property acquisition policies are set forth in section 18, Postal Contracting Manual, Publication 41. All references herein to sections or subsections are references to sections or subsections of this regulation, unless otherwise noted.

(b) To the extent that the Act is a Federal law "dealing with public or Federal contracts, property, works * * * budgets or funds" within the meaning of 39 U.S.C. 410(a), it and any Executive Orders or other regulations based upon it are inapplicable to the exercise of the powers of the Postal Service. However, it is the policy of the Postal Service to comply voluntarily with the Act, orders and regulations to the extent practical and feasible, consistent with the public interest and fulfillment of the primary mission of the Postal Service.

(c) The rules, policies, and procedures contained herein are intended to establish means to provide relocation services and payments for replacement housing and moving and incidental expenses in order that individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

(d) The regulations embodied in this

part, adopted in furtherance of the policy of voluntary compliance, shall not be deemed to be a consent to suit by a party outside the Postal Service and are not enforceable against the Postal Service by such a party. No party outside the Postal Service is authorized to use non-compliance with these regulations against the Postal Service in any manner.

§ 777.2 General procedures.

Procedures, policies and forms prescribed in Section 18 of the Postal Contracting Manual relating to the acquisition of real property and interests therein will be followed, except as they are modified by this regulation.

(a) A written notice of displacement must be given to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by registered mail at the earliest possible time.

(b) In order to qualify for benefits under Title II of the Act, as a displaced person, either of two conditions must be fulfilled:

(1) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property as prescribed by regulations. (When negotiations are initiated prior to issuance of a written notice, all persons contacted should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice); or

(2) The subject real property must, in fact, have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act). A move made after acceptance of an offer to sell (contract of purchase) but before closing is a move made as the result of acquisition of subject property.

(c) In addition, certain of the benefits provided by Title II of the Act are available as follows:

(1) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from the other real property used for his dwelling, or to move his personal property from such other real property, such person may receive the benefits provided by sections 202(a) and (b) and 205 of the Act.

(2) If it is determined that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, such person may receive advisory services under section 205(c) of the Act.

(d) Contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related costs in Title II of the Act. Appraisers shall not give consideration to, nor include in their real property appraisals, any allowances for the benefits provided by Title II. In the event of condemnation the estimated compensation shall be determined solely

on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act. Insofar as practicable, a person negotiating for the acquisition of real property will not negotiate the relocation benefits to which a displaced person may be entitled.

(e) Applications for benefits under the Act must be made within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired. The Contracting Officer may extend this period upon a proper showing of good cause.

(f) A displaced person who makes proper application will be paid promptly after a move and, in hardship cases, as determined by the Contracting Officer, an advance of funds may be authorized. Final settlement will be adjusted accordingly.

(g) The provisions of the Act apply to the acquisition of all real property for, and the relocation of, all persons displaced by Postal Service projects.

(h) Relocation benefits under title II of the Act available in leasehold cases depend upon the circumstances under which the leasing action takes place. In cases where the Postal Service initiates action to lease a specific property, all pertinent provision of title II of the Act apply to both owners and tenants. In cases where the owner voluntarily offers his property for lease to the Postal Service or in response to any open advertisement by the Postal Service, any tenants who are displaced are entitled to benefits under title II of the Act. The owner in such a case is not entitled to title II benefits.

(i) The Director, Office of Real Estate, shall provide for the periodic review of all programs for which he is responsible to insure compliance with the provisions of titles II and III of the Act.

§ 777.3 Information on relocation assistance.

The Contracting Officer shall insure that the public receives adequate knowledge of programs involving relocations and that persons to be displaced be fully informed, at the earliest possible time, of such matters as the relocation payments and assistance available; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review of appeal in accordance with § 777.11.

§ 777.4 Definitions.

For the purposes of these instructions the following items are defined:

(a) "The Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646.

(b) The term "Contracting Officer" means the Postal Service official authorized to acquire real property in question and to administer the associated relocation

program. Such term includes a duly appointed successor or authorized representative.

(c) The term "person" means any individual, partnership, corporation, or association.

(d) The term "displaced person" means any person or family who, on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) Postal Service acquisition of such property in whole or in part; or

(2) Receiving a written notice to vacate from the Postal Service.

(e) A "family" means two or more individuals who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit. If the Contracting Officer considers that circumstances warrant, others who live together as a family unit may be treated as if they were a family for the purpose of determining benefits under Title II of the Act.

(f) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(1) For the purchase, sale, lease or rental of personal or real property, or for the manufacture, processing, storage or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a non-profit organization, or

(4) Solely for the purpose of § 777.6(e) of these regulations for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property or services, by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(g) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agriculture products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(h) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(i) The term "comparable replacement dwelling" means one which is:

(1) Decent, safe and sanitary.

(2) When compared to the dwelling being taken, functionally equivalent and substantially the same with respect to:

(i) Number of rooms,

(ii) Area of living space,

(iii) Age,

(iv) State of repairs.

(3) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of the Civil Rights Act of 1964

and of title VIII of the Civil Rights Act of 1968.

(4) In areas not generally less desirable than the dwelling to be acquired in regard to:

(i) Public utilities,

(ii) Public and commercial facilities.

(5) Reasonably accessible to the displaced person's place of employment.

(6) Available on the market to the displaced person.

(7) Within the financial means of the displaced family or individual.

(j) The term "initiation of negotiation" for a property means the date of the first personal contact by the Postal Service representative with the owner or his representative where price was discussed.

(k) The term "decent, safe and sanitary" where applied to a dwelling means one which is in sound, clean and weather-tight condition, and which meets applicable State and local building, plumbing, electrical, housing and occupancy codes and similar ordinances and regulations. Where the local codes do not contain minimum standards or where the standards are inadequate, the following criteria may be used by the Contracting Officer in determining if a dwelling unit is decent, safe and sanitary:

(1) A housekeeping unit must include a kitchen with fully usable sink; a stove, or connection for same; a separate complete bathroom; hot and cold running water in both the bath and kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) A nonhousekeeping unit is one which meets local code standards for boarding houses or other congregate living. As a minimum it must include complete bathroom facilities with hot and cold running water which provides privacy, including a door that can be locked if such facilities are separate from the unit; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(l) "Dwelling" means the place of permanent or customary and usual abode of a person or persons. It includes a single-family building, a one-family unit in a multi-family building; a unit of condominium, or cooperative housing project; a mobile home, or any other residential unit. Part-time and seasonal homes are not included.

(m) "Owner" means a person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interests, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the Contracting Officer, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law, the tenure of ownership, not occupancy, of the suc-

ceeding owner shall include the tenure of the preceding owner.

(n) Section 205(c)(3) of the Act requires that the replacement dwelling is within the financial means of the displaced individual or family. In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes, and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

(o) "Economic rent" is the amount of rent a displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located.

§ 777.5 Project development.

(a) *Availability.* The Postal Service will not proceed with a phase of any project, which phase will cause the displacement of any person, until it has been determined with a reasonable period of time prior to displacement that there will be available to the persons displaced comparable replacement dwellings. This determination or assurance shall be based on a current survey and analysis of available replacement housing.

(b) *Waiver.* The determination required by § 777.5(a) may be waived only in emergency or other extraordinary situations where immediate possession of real property is of crucial importance. The determination of emergency will be made by Headquarters, after receipt of appropriate findings and recommendation for the necessity of the waiver by the General Manager, Regional Real Estate Division.

§ 777.6 Moving and related expenses.

(a) *Moving expense.* Any displaced person, upon application, may receive payments for the actual reasonable expenses in moving himself, his family, business, farm operation or other personal property subject to the limitations in paragraph (a)(2) of this section and the exclusions in paragraph (c) of this section. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payment with respect to displacement from a business or farm operation.

(1) The following moving expenses will be allowed:

(i) Transportation of individuals, families, and personal property from the acquired site, not to exceed a distance of 50 miles, except where the Contracting Officer determines that relocation beyond the 50-mile area is justified.

(ii) Packing, crating, and uncrating of personal property.

(iii) Advertising for packing, crating, uncrating and transportation when the

Contracting Officer determines that it is necessary.

(iv) Storage of personal property for a period generally not to exceed twelve months when the Contracting Officer determines that storage is necessary in connection with relocation.

(v) Insurance premiums covering loss and damage of personal property while in storage or transit.

(vi) Removal, reinstallation and reestablishment, including such modification as deemed necessary by the Contracting Officer, of machinery, equipment, appliances and other items, not acquired as real property, including reconnection of utilities, and which were not acquired by the Postal Service. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to state in writing that the property is personal property and that the Postal Service is released from any payment for the property.

(vii) Property lost, stolen, or damaged, (not caused by the fault or negligence of the displaced person, his agents or employees) in the process of moving, where insurance to cover such loss or damage is not commercially available.

(viii) Such other reasonable expenses which in the opinion of the Contracting Officer were necessarily incurred by the displaced person.

(2) The following items are limitations on moving and related expenses:

(i) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially. The moving cost to the displaced person shall be supported by receipted bills or other proof of expenses incurred.

(ii) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, and the business or farm operation is re-established, reimbursement shall not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving the item, whichever is less.

(iii) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to value in the judgment of the Contracting Officer, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar types of personal property.

(b) *Actual direct losses by business or farm operation.* Any displaced person, upon application, may receive payments for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm opera-

tion, subject to the exclusions in paragraph (c) of this section and with a limitation to be determined by the Contracting Officer subject to the following criteria:

(1) When the displaced person does not move personal property, he shall be required to make a bona fide effort to sell it, and will be reimbursed for the reasonable sale costs incurred.

(2) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the payment provided in paragraph (a)(2)(ii) of this section.

(3) When the business or farm operation is discontinued, the displaced person is entitled to the differences between the in place value of the personal property and the sale proceeds, or the estimated cost of moving 50 miles, whichever is less.

(4) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the in place value and the amount which would have been received from the sale of the item, or the cost of moving 50 miles, whichever is less.

(c) *Exclusions from moving expenses and losses.* The following items shall not be included in determining moving expenses or losses of personal property:

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Cost of searching for a new dwelling.

(11) Such other items as the Contracting Officer determines should be excluded.

(d) *Expenses in searching for replacement business or farm.* Any displaced person, upon application, may receive payments for actual reasonable expenses in searching for replacement business or farm.

(1) *To be allowed.* (i) Actual travel costs.

(ii) Costs for meals and lodging away from home.

(iii) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.

(iv) Broker, realtor, or other professional fees to locate a replacement business or farm operation, when the Contracting Officer determines it is necessary and authorizes such fees in writing prior to their incurrence.

(2) *Limitation.* The total amount which a displaced person may be paid for searching expenses shall not exceed \$500, unless the Contracting Officer determines

that a greater amount is justified based on the circumstances involved.

(e) *Payment in lieu of moving and related expenses*—(1) *Dwellings*. Any displaced person eligible for payments under paragraph (a) of this section may apply to receive a moving expense allowance not to exceed \$300 and a dislocation allowance of \$200 in lieu of the payments authorized by paragraph (a) of this section. Acceptance of such allowance shall constitute a waiver of the payments authorized by that section.

(i) The moving expense allowance will be based on the moving allowance schedule maintained by the State Highway Department of the State concerned. The General Manager, Real Estate Division, of each Region will maintain the current moving allowance schedules of the States within the region.

(ii) Where there are no State highway department schedules, the Contracting Officer may join with other Federal agencies, if any, causing displacement in the locale in the development of a single moving expense schedule for the use of all displacing agencies.

(iii) A displaced person who elects to receive a moving expense allowance based on a schedule shall be paid under the schedule used in the jurisdiction in which the displacement occurs, regardless of where he relocates.

(iv) Only one dislocation allowance will be paid per dwelling unit regardless of the number of persons or families in occupancy.

(2) *Business and farm operation*. Any displaced person eligible for payments under paragraph (a) of this section who is displaced from his place of business or from his farm operation may apply to receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that payment shall not be less than \$2,500 nor more than \$10,000, in lieu of the payments authorized by paragraphs (a), (b), and (d) of this section and subject to the following conditions:

(i) A business, in order to qualify as displaced person for payment under this Section, must contribute at least $\frac{1}{3}$ of the average annual total gross to the income of the displaced owner. This standard eliminates those part-time family occupations which do not contribute materially to a displaced person's income.

(ii) Loss of existing patronage. No fixed payment to a business can be made unless the Contracting Officer determines that the business cannot be relocated without a substantial loss of existing patronage, and that it is not a part of a commercial enterprise having at least one other establishment engaged in a similar business not being acquired. Such determination shall be made by the Contracting Officer only after consideration of all pertinent circumstances, including the following factors:

(A) The type of business conducted by the displaced concern.

(B) The nature of the clientele of the displaced concern.

(C) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced business.

(iii) Average annual net earnings as used herein means one-half of any net earnings of the business or farm operation, before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which the displacement occurs or during such other period as the Contracting Officer determines to be more equitable for establishing such earnings and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Income derived from capital gains resulting from liquidation in anticipation of Postal Service acquisition should be excluded. Normal capital gains may be included as a part of earnings if the gain occurred as a normal incident to the business or farm operation. If a business or farm operation has no net earnings or has suffered losses during the period used in the computation, it may nevertheless receive the \$2,500 minimum payment.

(iv) Where a non-profit organization is displaced, no payment shall be made until after Contracting Officer has determined:

(A) That the non-profit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used here means the persons, community or clientele served or affected by the activities of the non-profit organization.

(B) That the non-profit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity. This restriction shall not apply to such organizations that customarily serve through multiple locations within a general area, for example churches.

(v) Farms—partial acquisition. In the case where an entire farm operation is not acquired, this payment shall be made only if the Contracting Officer determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

§ 777.7 Replacement housing payments for owner-occupants.

(a) In addition to other payments authorized by these regulations an additional payment, not in excess of \$15,000 shall be made, upon application, to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. A displaced owner-occupant who is determined to be ineligible for payment under this Section may be eligible for a payment under § 777.8. The payment will include the following elements:

(1) The amount, if any, which represents the difference between the acquisition price of the acquired dwelling and the reasonable cost of a comparable replacement dwelling.

(2) The amount, if any, which will compensate the displaced owner-occupant for any increased interest costs in acquiring the comparable replacement dwelling.

(3) Actual costs reasonably incurred incident to the purchase of the replacement dwelling.

(b) The additional payment authorized shall be made only to such displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of (1) one year from the date he is given final payment of all costs for the acquired dwelling, or (2) on the date which he moves from the acquired dwelling, whichever is the later date.

(c) A displaced person may, in lieu of purchasing a comparable decent, safe and sanitary replacement dwelling, contract for the rehabilitation of an existing dwelling purchased by him, contract for the purchase of a dwelling to be constructed on a site provided by a builder or developer or contract for the construction of a dwelling on a site which he owns or acquires for that purpose. If the date of completion of rehabilitation of construction of a replacement dwelling is delayed, for reasons not within the reasonable control of the displaced person, beyond the time required for eligibility for payment, the Contracting Officer may determine the date of occupancy as the date the displaced person enters into a contract for such rehabilitation and construction, or for the purchase.

(d) *Computation of replacement housing payment*. The Contracting Officer may establish the amount necessary to purchase a comparable replacement dwelling by the use of a schedule or by a comparative method.

(1) *Schedule method*. The Contracting Officer may establish a schedule of reasonable acquisition cost for comparable replacement dwellings in the various types of dwellings required and available on the private market. The schedule will be based on a current analysis of the market sufficient to determine an amount for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area, the Postal Service may cooperate with other agencies on the method for computing the replacement housing payment and may use the uniform schedules of housing in the community or areas developed by such cooperation.

(2) *Comparative method*. The Contracting Officer may determine the economic price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person and which meets the definition of comparable replacement dwelling. Asking prices are to be adjusted to reflect actual market sales experience. A single

dwelling shall only be used when additional comparable dwellings are not available.

(3) When neither of the above methods is feasible, the Contracting Officer shall develop criteria for computing the payment.

(e) *Limitations.* The amount established as the differential payment for the replacement housing establishes the upper limit of this portion of the replacement housing payment.

(1) If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the reasonable acquisition cost of comparable replacement dwellings, the differential payment will be that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential housing payment will be made.

(3) If a displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price greater than the reasonable acquisition cost of comparable replacement dwellings, the differential payment will be limited to the difference between the amount of a comparable replacement dwelling and the acquisition price of the acquired dwelling.

(4) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum differential replacement housing amount payable is the market value of a comparable replacement dwelling on a tract typical for the area, less the market value of the dwelling at the present location on a homesite typical in size for residential use in the area.

(5) If the acquired dwelling is located on a tract where the use is established to be higher and better than residential use, the maximum replacement housing amount payable is the market value of a comparable replacement dwelling on a tract typical for residential use in the area, less the market value of the acquired dwelling assuming it was located on a tract typical for residential use in the area.

(f) *Interest payment.* The Contracting Officer shall determine the amount, if any necessary, to compensate a displaced person for increased interest cost. The interest payment shall be based on the present value of the interest differential including points paid by the purchaser on the amount of the new loan, not to exceed the unpaid balance of the previous mortgage for its remaining term as of the date of acquisition. Such payment shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage, which is one constituting a valid lien on the property for not less than 180 days prior to the initiation of negotiations.

(1) In no event shall the payment be calculated on an interest rate greater than the prevailing conventional mort-

gage rate charged by commercial banks in the locale of the replacement dwelling and which is available to the displaced person.

(2) The discount rate to determine present value shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area where the replacement dwelling is located.

(g) *Incidental expenses.* The incidental expense payment is the amount necessary to reimburse the homeowner for actual costs incurred by him incident to the purchase of the replacement dwelling such as:

(1) Legal, closing, and related costs including title search, and preparing conveyance contracts, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, FHA, or VA appraisal fees.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes. No fee, cost, charge, or expense is reimbursable as an incidental expense which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System. Prepaid items such as insurance and tax escrow are also excluded.

§ 777.8 Replacement housing payments for non-eligible owner-occupants.

(a) *Rental by displaced owner-occupant.* A displaced owner-occupant not eligible under § 777.7 because he elects not to purchase a replacement dwelling, but who wishes to rent may receive a rental replacement housing payment not to exceed \$4,000. The payment shall be computed in the same manner as shown in § 777.9 except that present rental rate shall be economic rent as determined by market data.

(b) *Non-qualifying owner-occupant.*

(1) A displaced owner-occupant who does not qualify for a replacement housing payment under § 777.7 because of the 180-day occupancy requirement and who elects to rent may be eligible for a rental replacement housing payment under § 777.9 if he meets the occupancy requirement of that Section. The payment will be computed in the same manner as shown in § 777.9 except that the present rental rate shall be economic rent as determined by market data.

(2) A displaced owner-occupant who does not qualify for a replacement housing payment under § 777.7 because of the 180-day occupancy requirement and who elects to purchase a replacement dwelling may be eligible for a replacement housing downpayment under § 777.9 if he meets the occupancy requirement of that Section. The payment will be computed in the same manner as shown in § 777.9.

§ 777.9 Replacement housing payments for tenants and certain others.

(a) *Eligibility.* Any person displaced from any dwelling not eligible under § 777.7 is eligible for either of the payments authorized under this Section if such dwelling was actually and lawfully occupied by such displaced person for not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling. Such payments will be made only if the displaced person occupies a comparable replacement dwelling not later than the end of (1) one year from the date he is given final payment of the purchase price and related incidental expenses of the acquired dwelling, or (2) of the date which he moves from the acquired dwelling, whichever, is the later date.

(b) *Computation of rental replacement housing payment.* A displaced person eligible under this Section is eligible to receive, upon application, in addition to amounts otherwise authorized, the amount necessary to enable him to leave or rent a comparable replacement dwelling for a period of four years, but not to exceed \$4,000.

(1) *Determination of comparable rent.* The Contracting Officer may establish the amount necessary to rent a comparable replacement dwelling by establishing a schedule or by using a comparative method. When more than one Federal agency is causing the displacement in a community or an area, the Postal Service may cooperate with other agencies on the method for computing the rental replacement housing payment and may use the uniform schedules of average rental housing in the community or area.

(i) *Schedule method.* The Contracting Officer may establish a rental schedule for renting comparable replacement dwellings in the various types of dwellings required and available on the private market. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(ii) *Comparative method.* The Contracting Officer may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired, which is available on the private market and meets the definition of a comparable replacement dwelling.

(iii) *Alternate to paragraph (b)(1) (i) and (ii) of this section.* When neither method is feasible, the Contracting Officer shall develop criteria for computing the payment in such instances.

(2) *Calculation of payment.* The rental replacement housing payment should be computed by determining by one of the methods set out above, the amount necessary to rent a comparable replacement dwelling for four years, and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiation if such rent is reasonable, and if not reasonable, 48 times the economic rent for the oc-

occupied dwelling unit as established by the Contracting Officer.

(3) *Exceptions.* The Contracting Officer may establish the average month's rent by using more than three months, if he deems it advisable. If rent is being paid to the Postal Service or to any other agency of Federal, State, or local government, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Disbursement of rental replacement housing payment.* All rental replacement housing payments \$1,000 or less will be made by lump sum payment. Those in excess of \$1,000 will be made in four equal annual installments commencing upon approval of the application. However, the Contracting Officer may authorize lump sum payment regardless of the amount when in his opinion circumstances warrant.

(c) *Replacement housing downpayment.* A displaced person eligible under this section who elects to purchase instead of renting is eligible to receive, upon application, the amount necessary to enable him to make a downpayment on the purchase of a replacement dwelling but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment. The payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing.

(1) *Downpayment portion.* The maximum downpayment available under this Section shall be the amount required for a conventional loan on a comparable replacement dwelling. The Contracting Officer shall determine the amount by establishing the value of a comparable replacement dwelling as set out in this section, and determining the downpayment required on a mortgage loan available to the displaced person on such comparable dwelling by commercial banks in the general area in which the replacement dwelling is located.

(2) *Incidental expenses.* Incidental expenses of closing the transaction are those as described in § 777.7(g).

(3) *Application of payment.* The full amount of the payment made under this Section must be applied to the purchase price of the dwelling and such downpayment and incidental costs shown on the closing statement.

§ 777.10 Relocation assistance advisory services.

(a) *Services.* Whenever the acquisition of real property for a program or project undertaken by the Postal Service will result in displacement of a person, the Contracting Officer shall provide relocation assistance and other advisory service to the displaced persons in order to minimize hardships to such persons, which shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of

displaced persons for relocation assistance;

(2) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) Assure that, within a reasonable period of time prior to displacement, there will be available comparable replacement dwellings, except that assurance may be waived as specified in § 777.5;

(4) Assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons;

(6) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation;

(7) Assist displaced persons in preparation and submission of claims for benefits;

(8) Prior to initiation of acquisition, provide persons, who are potential displacees, a brochure or pamphlet outlining the benefits to which they may be entitled under the Act and information concerning other assistance which might be furnished them. Such brochures should contain information that any payment received under Title II of the Act will not be considered as income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

(b) *Cooperation with other Government agencies.* In providing the above services, the Contracting Officer may consult State and local relocation agencies to determine the availability of housing resources and to assure coordination of all relocation activities in the community. When more than one Federal agency is causing displacement in a community or area, the Contracting Officer in cooperation with the heads of other agencies involved, shall take positive action to assure the maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, the Contracting Officer, acting in conjunction with other Federal agencies, should consider contracting with a single agency to assume full responsibility for providing relocation services and assistance in a given community or area.

§ 777.11 Appeals.

Persons aggrieved by a determination as to their eligibility for a relocation payment or by the amount of such payment must be advised of their right to have their application reviewed in accordance with section 213(b)(3) of the Act. Any

such grievance must be submitted within twelve months of denial of all or part of a relocation claim. When such grievances develop every effort should be made to resolve them at the regional level; however, when the grievance cannot be resolved, it should be referred to Headquarters. In referring appeals of aggrieved applicants to Headquarters, the applicant's case file must be submitted together with a complete report outlining the nature of the grievance. The file and report will be submitted to the attention of Director, Office of Real Estate, who will issue a dispositive decision on the matter. Such decision shall not be subject to further administrative review or appeal.

[FR Doc.74-6312 Filed 3-19-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 212]

PUERTO RICO

Proposed Price Regulations and Public Hearing

Notice is hereby given that the Federal Energy Office will receive written comments and hold a public hearing in San Juan, Puerto Rico with respect to whether certain entities operating in Puerto Rico which are owned or controlled by refiners should be subject to the price regulations applicable to refiners, to the price regulations applicable to resellers, or to some other form of price regulation. By an amendment to the rule with respect to resellers, the Federal Energy Office today has made clear that certain of such entities are subject to the refiner price regulations, and this proceeding is to determine whether that treatment or some other treatment under the Mandatory Petroleum Price Regulations is appropriate.

The background of this proceeding and some of the issues it raises are as follows:

Certain refiners subject to the price regulations of Subpart E own, control, or are otherwise affiliated with entities which operate in Puerto Rico.

Certain of these entities purchase the products they sell in Puerto Rico from Commonwealth Oil and Refining Company (CORCO) and/or from Gulf Oil Company, both of which produce gasoline in Puerto Rico. Certain of these entities also supply crude oil to CORCO, either themselves or through related entities, under various contractual terms.

If the entities which purchase the products they sell in Puerto Rico from CORCO and Gulf were to be treated as resellers, they would be permitted, generally, to pass through directly to their customers the cost of the products they purchase. If such entities were to be treated as refiners, the cost of the products purchased in Puerto Rico would be included as part of the affiliated refiner's overall cost of its products, and would be passed through to all customers of the refiner, throughout the United States, including Puerto Rico.

Because CORCO refines principally Venezuelan crude oil which is exempt

from price regulation, its products are being sold at generally higher prices than the prices charged by refiners which use domestic crude oil subject to price regulation. Thus, if the entities of a refiner operating in Puerto Rico are treated separately under the price regulations as "resellers," the prices charged in Puerto Rico would generally reflect the higher prices of exempt crude oil, whereas if they are treated as part of their affiliated "refiners," the prices charged in Puerto Rico would generally reflect the lower average price of all crude oil, both domestic and foreign, of that refiner.

On the one hand, it may be urged that Puerto Rico should not pay prices that reflect directly the higher prices of foreign crude oil. On the other hand, it may be urged that the entities operating in Puerto Rico have historically been treated as separate entities and that not to treat them now as resellers would require them to face financial hardship in Puerto Rico.

Among the relevant facts which the

interested parties to this proceeding should address themselves to are the following:

(1) The place in the overall corporate structure of the refiner which is occupied by the Puerto Rican entity of the refiner and by the entity of the refiner, if any, which has supplied crude oil or other products to Puerto Rico.

(2) The arrangements under which the Puerto Rican entity and/or other entities, have historically supplied and/or purchased crude oil and other products in Puerto Rico, the identity and quantities of such products and where they are sold, and the effects of the Mandatory Petroleum Allocation Program on the current operation of such arrangements.

(3) The extent to which profits and/or losses of the Puerto Rican entity of a refiner, and/or of related entities which have supplied or purchased products in Puerto Rico, have gone to the refiner.

(4) The effects of any proposed rule on prices in Puerto Rico, on prices in the United States mainland, on the overall market structure in Puerto Rico, on the

entities operating in Puerto Rico, and on the refiners and their related entities.

(5) The historical relationship of prices charged and changes in prices charged by Puerto Rican entities to prices charged and changes in prices charged by the refiner in the United States mainland.

Information concerning the filing of written comments and the time and place of the public hearing in San Juan, Puerto Rico, which is tentatively scheduled for April 4 and 5, 1974, will be published as soon as the necessary arrangements have been made. This notice is being issued today so that all interested parties will have as much advance notice as possible, consistent with the expedited treatment which is planned for this proceeding.

Issued at Washington, D.C., on March 18, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-6632 Filed 3-19-74; 11:32 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-120]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 634 in the United States Information Agency, 1717 H Street, NW., Washington, D.C. from 9 a.m. to 4:30 p.m. on April 4, 1974.

The committee will discuss international book exhibits, plans for the November 1974 meeting of the International Federation of Library Associations, forthcoming meetings on satellite communications and report on publishing in Mexico.

Dated: March 11, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-6331 Filed 3-19-74; 8:45 am]

[Public Notice CM-121]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces a scheduled meeting of U.S. CCITT Study Group 1 (U.S. Government Regulatory Problems) concerned with preparation for a meeting of a Working Party of CCITT Study Group III of the International Telecommunication Union to be held in Geneva, Switzerland, June 10-14, 1974. The meeting will take place on Tuesday, April 16, 1974 at 10 a.m. in Room 621 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

This meeting of Study Group I will address matters related to general tariff principles covering the lease of telecommunication circuits. The agenda will include approval of one or more U.S. Contributions to the aforementioned meeting of the Working Party and the completion of the U.S. response to a questionnaire on CCITT Recommendation D.1 issued by Study Group III.

Members of the general public who desire to attend the meeting on April 16 will be admitted up to the limit of the meeting room.

Dated: March 11, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[Filed Doc.74-6332 Filed 3-19-74; 8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 229-1]

FISCAL SERVICE

Reorganization

By virtue of the authority vested in me as Secretary of the Treasury, including particularly the authority conferred in Reorganization Plan No. 26 of 1950, as amended (31 U.S.C. 1001, note), it is ordered that:

1. The functions assigned to the Office of the Treasurer of the United States by paragraph 2 of Treasury Order No. 229, dated January 14, 1974, are transferred to the Bureau of Government Financial Operations. The latter bureau shall make periodic reports to the Treasurer of the United States showing currency held in custody, issued, retired, and in circulation.

2. The securities functions that are performed in the Securities Division of the Bureau of Government Financial Operations are transferred to the Bureau of the Public Debt.

3. Any provisions of law and all regulations issued with respect to the functions transferred hereby, which are in effect on the effective date of this Order, shall continue in effect until amended or superseded.

4. As determined by the Assistant Secretary for Administration, the positions, personnel, records, property, funds, and other resources related to the functions transferred hereby are transferred with the functions.

5. This Order is effective as of the first day of the first pay period following the date of this Order.

Dated: March 11, 1974.

[SEAL] GEORGE P. SCHULTZ,
Secretary of the Treasury.

[FR Doc.74-6430 Filed 3-19-74; 8:45 am]

Office of the Secretary

PORTABLE ELECTRIC TYPEWRITERS FROM JAPAN

Antidumping Proceeding

On February 14, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that portable electric typewriters from Japan are being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the constructed value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

MARCH 18, 1974.

[FR Doc.74-6605 Filed 3-19-74; 9:12 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

MARCH 14, 1974.

The Air Force Systems Command Science and Technology Advisory Group will hold a closed meeting on March 22, 1974, from 9 a.m. until 5 p.m., at the Air Force Cambridge Research Laboratories, L. G. Hanscom Field, Maine.

The Group will hold classified discussions and receive competition sensitive information on the Air Force Cambridge Research Laboratories Program.

The USAF Scientific Advisory Board Geophysics Panel Task Group on Meteorological Effects on Microwave Propagation will hold a closed meeting on April 10, 1974, from 8:30 a.m. until 4:30 p.m., at the Pentagon, Washington, D.C.

The Committee will receive classified briefings on forecast capabilities and research efforts on meteorological effects on microwave propagation systems.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8404.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.74-6333 Filed 3-19-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

HOWARD UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for
Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00178-99-46500. Applicant: Howard University Medical School, 520 W Street NW., Washington, D.C. 20001. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in graduate course in ultrastructure to train students in the techniques of electron microscopy including fixation, embedding, sectioning and the use of the electron microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in

density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of February 8, 1974 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc. 74-6383 Filed 3-19-74; 8:45 am]

MEDICAL COLLEGE OF OHIO, ET AL.

Notice of Consolidated Decision on Appli-
cations for Duty-Free Entry of Ultrami-
crotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00200-33-46500. Applicant: Medical College of Ohio at Toledo, P.O. Box 6190, 945 S. Detroit Avenue, Toledo, Ohio 43614. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to section single light microscopically pre-selected cells or structures of 50 Angstrom units thickness or less for electron microscopy as part of research involving such phenomena as elucidation of melanogenesis of tissue cultures of malignant cells during their cell cycles. The article will also be used to obtain aforementioned thin sections of various tissues in order to demonstrate disease processes on electron microscopic level; which will serve

as a very significant visual aid in education of medical students in formal classes as well as in training programs of resident physicians. Application received by Commissioner of Customs: November 5, 1973. Advice submitted by the Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00202-33-46500. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section a variety of pathological specimens from many injured tissues and organs. Investigations will be conducted on the overall structure and detailed structure of plasma membranes, internal membranes, myofibrils, basal lamina and nuclei. A number of different experiments in which ultrastructural lesions in plasma membranes will be created and the detailed changes occurring in the damaged membrane and in the remainder of the cell assessed will be performed. Studies of changes in nucleus and cytoplasm after exposure to carcinogens will also be conducted. Application received by Commissioner of Customs: November 7, 1973. Advice submitted by Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00203-33-46500. Applicant: University of Kansas Medical Center, Department of Pathology and Oncology, 39th and Rainbow Boulevard, Kansas City, Kansas 66103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section a variety of tissues used in ultrastructural studies. The tissues include substances of variable density, including lymph node, bone, kidney, embryos and a variety of neoplasms from both humans and experimental animals. The tissues will be sampled to determine pathogenetic mechanisms of diseased tissues. Materials such as filaments, crystals, viruses and immune complexes will be searched for in neoplasms and other organs and tissues. Application received by Commissioner of Customs: November 7, 1973. Advice submitted by Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00204-33-46500. Applicant: University of Wisconsin (Madison), Madison, Wisconsin 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section brain and spinal cord tissue of guinea pigs being fed methyl mercury, the bony noses of tuna fish suffering from "puffy snout" disease, the skin of sharks having an unidentified epidermal ulcer disease and the soft tissue of calves and cattle being fed various mycotoxins. The materials vary in hardness from the tooth-like epidermal structure (denticles) of sharks skin and the bony nasal bones of tuna, to the very soft brain tissue. Application received by Commissioner of Customs: November 2, 1973. Advice sub-

mitted by Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00206-33-46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian tissues derived from humans that exhibit both normal and pathologic structure. The experiments to be conducted include experiments on the development of muscle in animals and the study of muscular dystrophy, glycogen storage disease and mitochondrial disorders in humans. Application received by Commissioner of Customs: November 6, 1973. Advice submitted by Department of Health, Education, and Welfare on: February 15, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultra-thin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cut-

ting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc. 74-6388 Filed 3-19-74; 8:45 am]

MIDLAND MACROMOLECULAR INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00522-33-63550. Applicant: Midland Macromolecular Institute, 1910 West St. Andrews Drive, Midland, Mich. 48640. Article: Jasco Recording Spectropolarimeter, Model J-20. Manufacturer: Japan Spectroscopic Company, Japan. Intended use of article: The article is intended to be used for fundamental studies on the conformation and/or configuration of synthetic and naturally occurring (biological) macromolecules in solution. These will be determined from the optical rotatory dispersion (ORD) and circular dichroism (CD) properties of the macromolecules. Studies will be made by subjecting polymer samples to changes in solvent, temperature, and chemical treatment. Related polymer samples with differing chemical or biological histories will be similarly evaluated. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities to make both optical rotary dispersion (ORD) and circular dichroism (CD) measurements in the same instrument. The National Bureau of Standards (NBS) advised in its memorandum dated February 19, 1974 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc. 74-6387 Filed 3-19-74; 8:45 am]

TEXAS A & M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00365-01-07500. Applicant: Texas A & M University, College Station, Tex. 77843. Article: Precision Calorimetry System, LKB 8700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in several research projects which include the following:

- (1) Measurements of heat of formation of complexes in aqueous solutions by titration calorimetry.
- (2) Measurements of heat and equilibrium constants of ionization of weak organic acids and bases by both titration and batch calorimetry.
- (3) Measurements of heats and equilibrium constants of enzyme catalyzed reactions by both titration and batch calorimetry.
- (4) Measurement of heats of vaporization of a series of hydrocarbons and their halogen derivatives.

Further studies anticipated include:
(1) Semi-micro scale heats of combustion of organic phosphorous com-

pounds of importance in biochemistry.

(2) Heats of mixing of volatile non-electrolytes in order to test theories of solutions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of measuring heats of vaporization and heats of reaction of solutions under pressure. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 15, 1974 that the characteristics of the article described above are pertinent to the applicant's intended program of thermochemical research. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model 1000B solution calorimeter manufactured by Tronac, Incorporated (Tronac). At the time of order the Model 1000B did not have the capability for measuring heats of vaporization; nor was an accessory available to provide this capability. Further, the Tronac instrument did not have the capability of measuring heats of solution under pressure. We therefore find that the 1000B was not of equivalent scientific value to the foreign article for the applicant's intended purposes at the time the foreign article was ordered. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.74-6386 Filed 3-19-74; 8:45 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00220-98-41700. Applicant: The University of Chicago, The James Franck Institute, 5640 S. Ellis Avenue, Chicago, Illinois 60637. Article: Electro Photonics Model SUA-10

Mode Locked Oscillator. Manufacturer: Electro-Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of the reaction kinetics and energy transfer in photoexcited molecules. In particular, the cis-trans isomerization in linear polyene molecules will be studied by observing Raman scattering of light off the photoexcited molecule. The objective of these experiments is a better understanding of the primary visual process by understanding the photochemistry of molecules which model the visual chromophore.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides frequency characterized light pulses of several picoseconds duration. The most closely comparable domestic instrument is a dye laser system manufactured by Candela Corporation (Candela). The shortest pulse provided by the Candela system is on the order of 100 nanoseconds. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 20, 1974, that the shorter pulse duration capability of the article is pertinent to the applicant's studies involving processes occurring in the picosecond range. We therefore, find that the Candela laser system is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.74-6385 Filed 3-19-74; 8:45 am]

UNIVERSITY OF MINNESOTA, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Nitrogen 15 Analyzers

The following is a consolidated decision on applications for duty-free entry of Nitrogen 15 Analyzers pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Im-

port Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00326-01-01100. Applicant: University of Minnesota, Department of Soil Science, St. Paul, Minn. 55101. Article: Nitrogen-15 analyzer complete with Isocommerz Sample Prep Kit. Manufacturer: Isocommerz, East Germany. Intended use of article: The article is intended to be used to analyze samples for N-15/N-14 ratios in samples where N-15 enriched compounds have been introduced for tracer studies. The relative abundance of N-15 and N-14 will be determined using an emission principle. Application received by Commissioner of Customs: January 9, 1973. Advice submitted by the National Bureau of Standards on: February 19, 1974.

Docket Number: 73-00430-01-01100. Applicant: University of Alaska, Fairbanks, Alaska 99701. Article: Nitrogen 15 Analyzer, Model NIA and accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used to further ongoing studies of the marine and lacustrine nitrogen cycle with particular emphasis placed on cycling of nitrogen in northern production waters such as Prince William Sound, Gulf of Alaska, Bering Sea, Arctic Ocean, and arctic and alpine lakes. 15/N studies in the area of nitrogen pollution and sewage treatment in cold climates will also be initiated. A study of the productivity and nutrient cycling of seagrass has been started. Extensive studies of the fresh water nitrogen cycle in Alaskan environments using 15/N are also to be continued. The article will also be used for educational purposes in a course entitled "Stable Isotope Tracer Techniques." Application received by Commissioner of Customs: March 5, 1973. Advice submitted by the National Bureau of Standards on: February 19, 1974.

Docket Number: 73-00468-01-01100. Applicant: University of Minnesota, Department of Chemistry, Minneapolis, Minn. 55455. Article: Nitrogen-15 analyzer. Manufacturer: Isocommerz, East Germany. Intended use of article: The article is intended to be used for the analysis of the amount of nitrogen-15, an isotope of natural nitrogen, which is found in compounds isolated from plants which have been previously fed N-15 labelled compounds. The objective of this research is to learn about the fate of alkaloids such as nicotine, in the tobacco plant. Application received by Commissioner of Customs: April 2, 1973. Advice submitted by the National Bureau of Standards on: February 19, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is capable of determining the abundance of ¹⁵N (Nitrogen 15) relative to that of ¹⁴N. The National Bureau of Standards

advised in the cited memoranda that the capability described above is pertinent to the purpose for which each of the articles is intended to be used. NBS also advised that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.74-6382 Filed 3-19-74; 8:45 am]

V.A. HOSPITAL, IOWA CITY, IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00214-00-46040. Applicant: Veterans Administration Hospital, Highway 6, Iowa City, IA 52240. Article: Rotating Specimen Stage for Elmiskop 101, Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope to be used to rotate specimen tissue as 360 degrees in the microscope during oral disease projects and pathology projects.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily

adapted to the instrument with which the foreign article is intended to be used. (Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.74-6384 Filed 3-19-74; 8:45 am]

AGENT/DISTRIBUTION SERVICE

Rate Increase

Effective April 1, 1974, the price of the Agent/Distributor Service (ADS) will be increased from \$10 to \$25. The ADS provides the U.S. business community with up to three names of selected overseas firms which have expressed interest in the proposal to act as representatives (agents) or distributors.

The names of selected prospects are obtained by the U.S. Foreign Service, telegraphed to the Department of Commerce, processed, and submitted to the applicant through the appropriate Regional or District Office of the Department of Commerce. Request forms (DIB-424R) are available from the nearest Department of Commerce Regional or District Office. These offices assist in the preparation of the form and in the selection of export markets.

(Catalog of Federal Domestic Assistance Program No. 11.113, International Commercial Information.)

Dated: March 13, 1974.

MURRAY P. RENNERT,
Acting Deputy Assistant Secretary
for International Commerce.

[FR Doc.74-6339 Filed 3-19-74; 8:45 am]

Patent Office

PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

Meeting

The Public Advisory Committee for Trademark Affairs was established by the Secretary of Commerce to advise the Patent Office of the Department of Commerce on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuing source of knowledge from the private sector to the Government in the field.

The next meeting will be held on March 28th and 29th, 1974, at the Morgan Guarantee Bank, New York City, New York, beginning at 9 a.m. each day in the Board Room.

The following agenda is to be considered:

1. Improved systems for recordation and retrieval of information relating to trademark registrations and improved systems for keeping records and production information.

2. Continuation of the WIPO Working Group on Mechanized Trademark Searching.

3. Examiners' training course.
4. Examiners' field trip program.
5. Quality Review Program.
6. Training of examiners in the International Classification System.
7. Status of the Mail Room and recommendations relating thereto.
8. Subcommittee report on Section 8 requirements re specimens, use, and the notice to registrants.
9. Report on the status of Trademark Operations and implementation of the prior Advisory Committee recommendations relating thereto with particular emphasis on recommendations not implemented relating to organization, processing and search room matters.
10. Review of status and content of the new Trademark Manual of Examining Procedures.

The membership of the Advisory Committee consists of nine members of the Patent Office—Trademark Affairs Committee of the United States Trademark Association.

Meetings of the Advisory Committee are open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Committee Management Officer in writing, prior to the meeting, of their intention to attend the March 28-29 meeting.

Any member of the public may file a written statement with the Committee before, during, or after the meeting, and, to the extent that time for the meeting permits, the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee Meeting should be addressed to Mr. Rene D. Tegtmeyer, Committee Management Officer for Trademark Affairs, Room 3-11D27, U.S. Patent Office, Washington, D.C. 20231.

Dated: March 5, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

Approved: March 15, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

[FR Doc.74-6379 Filed 3-19-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4H2967]

OAKITE PRODUCTS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 4H2967) has been filed by Oakite Products, Inc., 50 Valley Road, Berkeley Heights, NJ 07922, proposing that § 121.2547 Sanitizing solutions (21 CFR 121.2547) be amended to provide for the safe use of sodium dodecylbenzene sulfonate as a component of sanitizing solutions intended for use on food-processing equipment and utensils and on glass bot-

tles and other glass containers intended for holding milk.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 12, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-6337 Filed 3-19-74;8:45 am]

[FAP 3B2895]

WITCO CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Witco Chemical Corp., Organics Division, 400 North Michigan Ave., Chicago IL 60611, has withdrawn its petition (FAP 3B2895), notice of which was published in the FEDERAL REGISTER of May 30, 1973 (38 FR 14181), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of calcium isostearate and *n*-decanol as adjuvants or modifiers of aqueous calcium stearate dispersions intended for use as components of coatings for paper and paperboard in contact with food.

Dated: March 12, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-6338 Filed 3-19-74;8:45 am]

National Institutes of Health ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, May 6-7, 1974, National Institutes of Health, Building 31, Conference Room 2. The meeting will be open to the public on May 6 from 9 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. The meeting will be closed to the public from 10:30 a.m. to 5 p.m. on May 6 and

from 9 a.m. to 5 p.m. on May 7 to review, discuss, and evaluate and/or rank grant applications in accordance with provisions set forth in section 552(b)4 of Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. James Augustine, Health and Science Reports Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545, will provide summaries of the meeting and rosters of the Committee members.

Dr. John E. Holman, Executive Secretary of the Committee, Building 31, Room 5B35, Bethesda, Maryland 20014, 496-5507, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6352 Filed 3-19-74;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, April 16-19, 1974, National Institutes of Health, Building 31, Room 9A51. This meeting will be open to the public on April 16 from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 16 from 10 a.m. until adjournment, and from 9 a.m. until adjournment on April 17, 18, 19, to discuss and review artificial kidney contract proposals in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92-463.

Mr. Victor Wartofsky, Information Officer, NIAMDD, NIH, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of meetings and rosters of committee members.

(Catalog of Federal Domestic Assistance Program No. 13.828, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6354 Filed 3-19-74;8:45 am]

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast

Cancer Epidemiology Committee, National Cancer Institute, April 23, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 1 p.m. to 5 p.m., April 23, 1974, to discuss ideas for new projects and Request for Proposals for Fiscal Year 1975, and closed to the public from 9 a.m. to noon, April 23, 1974, to review research contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301-496-6773) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6355 Filed 3-19-74;8:45 am]

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, April 26, 1974, 8:30 a.m., National Institutes of Health, Building 1, Wilson Hall. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., April 26, 1974, to discuss minutes of last meeting, announcements, program report and future meeting dates and closed to the public from 10:30 a.m. to 5 p.m., April 26, 1974, to review applications for contracts in the fields of education and training in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301-496-5708) will furnish summaries of the open/closed meeting and a roster of committee members.

Margaret H. Edwards, M.D., Executive Secretary, Blair Building, Room 729, National Institutes of Health, Silver Spring, Maryland 20910 (301-427-8080) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration,
National Institutes of Health.

[FR Doc.74-6353 Filed 3-19-74; 8:45 am]

CANCER CONTROL TREATMENT AND REHABILITATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Treatment and Rehabilitation Review Committee, National Cancer Institute, April 25-26, 1974, 8:30 a.m. to 5 p.m., Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910, Silver Room—North. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 25, 1974, to discuss the activities of the Cancer Control Treatment and Rehabilitation Branches. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to 5 p.m. on April 25, 1974, and from 8:30 a.m. to 5 p.m. on April 26, 1974, to review contracts in the field of cancer treatment in accordance with the provisions set forth in section 552 (b) (4) Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Joseph W. Cullen, Executive Secretary, Blair Building, 8300 Colesville Road, Silver Spring, Maryland 20910 (301/427-7477), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration,
National Institutes of Health.

[FR Doc.74-6346 Filed 3-19-74; 8:45 am]

CANCER TREATMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Treatment Advisory Committee, National Cancer Institute, April 29-30, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10. The meeting will be open to the public and is being set up to discuss the National Cancer Program responsibilities of the Division of Cancer Treatment in therapeutic trials involving surgery, radiation, chemotherapy or immunotherapy. Also

on the agenda will be discussion of the peer review for Division contracts. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A-16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the open meeting and roster of subcommittee members.

Dr. C. Gordon Zubrod, Executive Secretary, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20014 (301-496-4291) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration,
National Institutes of Health.

[FR Doc.74-6349 Filed 3-19-74; 8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee, National Institute of Child Health and Human Development, April 25, 1974, National Institutes of Health, Landow Building, Conference Room A-809. The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 25, to discuss objectives of the committee and for scientific presentations by staff members and committee members. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, National Institute of Child Health and Human Development, Landow Building, Room A-804A, National Institutes of Health, 496-5133, will provide summaries of the meeting and rosters of the committee members.

Dr. Heinz Berendes, Executive Secretary of the Committee, Landow Building, Room A-716, National Institutes of Health, 496-4924, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration,
National Institutes of Health.

[FR Doc.74-6347 Filed 3-19-74; 8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

Diagnostic Research Advisory Group, National Cancer Institute, April 4-5, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 11 a.m., April 4, 1974, to discuss six new Requests for Proposal concerning screening and detection of cancer. Attendance by the public will be limited to space available. The meeting will be closed to the public from 11 a.m. to close of meeting April 5, 1974, to review contract proposals in the fields of screening and detection of cancer, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Irvin Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration,
National Institutes of Health.

[FR Doc.74-6356 Filed 3-19-74; 8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP SUBCOMMITTEE ON BREAST CANCER DEMONSTRATION PROJECTS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group's Sub-committee on Breast Cancer Demonstration Projects, National Cancer Institute, April 3, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, Room C418. This meeting will be open to the public from 9 a.m. to 5 p.m., April 3, 1974, to discuss and review the possibility of revising protocols and forms associated with National Cancer Institute funded Breast Cancer Demonstration Projects. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. Irvin Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Adminis-
tration, National Institutes of
Health.

[FR Doc.74-6344 Filed 3-19-74;8:45 am]

HEART AND LUNG PROGRAM— PROJECT COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-436, notice is hereby given of the meeting of the Heart and Lung Program—Project Committee, National Heart and Lung Institute, May 3-4, 1974, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public on May 3 from 8 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available. The meeting will be closed to the public on May 3 from 9:30 a.m. to adjournment on May 4 to review research grant applications in accordance with the provisions set forth in section 552(b) 4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

The information officer who will furnish summaries of the meeting and rosters of Committee members is Mr. Hugh Jackson, National Heart and Lung Institute, Room C918, Landow Building, phone 496-4236. The Executive Secretary from whom substantive information may be obtained is Dr. Arthur W. Merrick, NHLI, Room 655, Westwood Building, phone 496-7351.

Dated: March 11, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.346, National Institutes of Health.)

LEON M. SCHWARTZ,
Associate Director for Adminis-
tration, National Institutes of
Health.

[FR Doc.74-6351 Filed 3-19-74;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, May 6 and 7, 1974, National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on May 6 and from 9 a.m. to 12:30 p.m. on May 7, to discuss research progress and research plans in periodontal disease with particular attention to manpower needs for future periodontal disease research. The Committee will also consider the results of a recent workshop to assess research progress on the role of immunological mechanisms in periodontal disease. Attendance by the public will be limited to space available. The Executive Secre-

tary from whom substantive program information may be obtained is: Dr. Anthony A. Rizzo, Scientist-Administrator, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827 National Institutes of Health.)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Adminis-
tration, National Institutes of
Health.

[FR Doc.74-6348 Filed 3-19-74;8:45 am]

POPULATION RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, April 26, 1974, National Institutes of Health, Landow Building, Conference Room C-418. This meeting will be open to the public on April 26 from 9 a.m. to 10:30 a.m. to discuss the program status and projections for Population Research Centers and Program Projects. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 26 from 10:30 a.m. to adjournment on April 26 to discuss and evaluate research grant applications in accordance with the provisions set forth in section 552 (b) 4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, 496-1756, will provide summaries of meetings and rosters of committee members.

Mrs. Marjorie Neff, Committee Management Officer, Room C-729, Landow Building, National Institutes of Health, 496-6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Adminis-
tration, National Institutes of
Health.

[FR Doc.74-6350 Filed 3-19-74;8:45 am]

Office of the Secretary

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, reflects the implementation of the Reorganization Order effective July 1, 1973 signed by Acting Secretary Frank Carlucci (36 FR 18261, July 9, 1973), with respect to

the organization of the Health Services Administration as an operating health agency of the Department. There is hereby established a new Part 3, Health Services Administration, as set forth below.

Sec. 3-A Mission. The Health Services Administration (3000) provides a national focus for programs and health services for all people of the United States with emphasis on achieving the integration of service delivery and public and private financing systems to assure their responsiveness to the needs of individuals and families in all levels of society.

To these ends, the Health Services Administration (3000): (1) Administers health service delivery programs supported by project grants, contracts or other arrangements; (2) provides leadership to and supports efforts designed to integrate health service delivery programs with public and private health financing programs; (3) administers formula grant-supported health services programs; (4) assures quality and contain costs of service provided through the public financing programs; (5) provides or arranges for personal health services, including both hospital and out-patient care, to designated beneficiaries; and (6) provides advice and support to the Assistant Secretary for Health in the formulation of health policies.

Sec. 3-B Organization and functions. The Health Services Administration (3000) is directed by an Administrator (HSA) who is responsible to the Assistant Secretary for Health. The Administration consists of the following major components, with functions as indicated:

OFFICE OF THE ADMINISTRATOR (3AA0)

Provides leadership and direction to the programs and activities of the Health Services Administration.

Immediate Office of the Administrator (3AA1). (1) Manages and directs the activities of the Health Services Administration; (2) provides leadership for the execution of Administration responsibilities related to the conduct and improvement of health services for the people of all socioeconomic levels in the United States; and (3) provides advice and support to the Assistant Secretary for Health in coordinating health services facilities and in the formulation of national health policy.

Executive Secretariat (3AA105). (1) Serves as the focal point in the control of written communications from and to the Administrator including their receipt, review, action assignment and follow-up to insure timely and appropriate action; (2) establishes standards for and insures the quality of written communications throughout the Administration; (3) maintains for the Administrator a docket of pending requests and a structured device for insuring timeliness of response; (4) plans, develops and maintains a central system of response to public and official requests for program information and guidance; (5) establishes and main-

tains central files for the Administrator; and (6) establishes and assures implementation of Administration correspondence procedures and policies.

Office of Equal Employment Opportunity (3AA107). (1) Provides leadership and policy and program direction to Equal Employment Opportunity Programs of the Health Services Administration; (2) provides staff advice and support to the Administrator in executing Federal equal employment opportunity policies; (3) plans and develops programs and procedures designed to eliminate discriminatory employment practices; (4) receives and provides for the investigation of complaints of alleged discrimination; and (5) maintains liaison with the Equal Employment Opportunity staff of the Assistant Secretary for Health regarding program administration and the resolution of complaints.

Office of Communications and Public Affairs (3AA3). Under the direction of the Associate Administrator for Communications and Public Affairs, who is a member of the Administrator's immediate staff: (1) Provides leadership and general policy and program direction, conducts and coordinates communications and public affairs activities of the Health Services Administration; (2) provides communications and public affairs expertise, and staff advice and support to the Administrator in program and policy formulation and execution; (3) develops and implements policies related to external media relations and internal employee communications; (4) establishes and implements procedures for development, review, processing, quality control, and dissemination of HSA communications materials; (5) serves as Communications and Public Affairs Officer for the Administrator including the establishment and maintenance of productive relationships with the communications media; (6) provides central communications services to all HSA programs in such areas as graphics and audio-visual; and (7) serves as focal point for coordination of HSA communications activities with those of other health agencies within HEW and with regional, State, local, voluntary and professional organizations.

Office of Public Information (3AA303). (1) Provides information to the news gathering and reporting media on HSA activities; (2) prepares news releases and other news material issued by the Administrator and other key officials of HSA; (3) coordinates and arranges news conferences, briefings, interviews, and appearance of the Administrator and key HSA officials on radio and television and with the print media, and (4) carries out projects on special information programs.

Office of Editorial Operations (3AA305). (1) Develops and coordinates the application of HSA policies, plans, and strategies for dissemination of health information to the public; (2) plans the preparation of, coordinates the gathering of material for, edits, and produces both public and scientific publi-

cations with HSA-wide implications; (3) prepares speech material and background information for the Administrator and other key HSA officials; and (4) prepares fact sheets on various elements of the Agency for dissemination internally and externally.

Office of Service Support (3AA307). (1) Develops and implements policies and practices for coordinating, reviewing, and approving publishing plans and activities; (2) reviews and approves distribution plans for health publications produced by the Agency; (3) maintains liaison with key HSA officials to foster informational programs and activities; (4) establishes and provides technical assistance on standards, procedures, and systems governing the management of public affairs operations within HSA; and (5) insures effectiveness of public affairs programs and operations through ongoing evaluation for accuracy and appropriateness.

Office of Audiovisual Communications (3AA309). (1) Develops and implements policies and guidelines on the use of audiovisual materials in fostering HSA programs and projects; (2) provides technical assistance to HSA operating Bureaus on the application of audiovisual techniques and the production of audiovisual materials; and (3) provides complete audiovisual services as required, including the planning and production of audiovisual materials for use by the media and the overseeing of production of audiovisual materials by contractors.

Office of Planning, Evaluation and Legislation (3AA45). Under the direction of the Associate Administrator for Planning, Evaluation and Legislation who is a member of the Administrator's immediate staff: (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning, program evaluation, operational planning, regulation development, and legislative affairs; (2) develops in collaboration with financial management staff the long-range program and financial plan for the Administration; (3) oversees, in coordination with the Office of the Assistant Secretary for Health, communications between HSA and higher levels of government (including the Office of the Secretary, the Office of Management and Budget, and Congress) on all matters that involve long range plans, the regulation development process, evaluations of program performance, or legislative affairs; (4) develops long range goals, objectives, and priorities for HSA; (5) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (6) oversees the development of annual operating objectives and coordinates HSA's participation in the operational planning system; (7) directs all the legislative affairs of HSA, including the development of legislative proposals and a legislative program; (8) acts

as the focal point in HSA for the preparation, development, and monitoring of program regulations; and (9) conducts policy analyses and develops policy positions in programmatic areas for HSA.

Office of Analysis (3AA503). (1) Participates in the analysis of policy issues in the planning, evaluation, regulation, and legislative areas, using its own staff expertise on each one of HSA's programs; (2) provides technical assistance to support the statistical, economic, operations research, and other scientific analyses of policy questions undertaken in HSA; (3) provides technical assistance to the other components of the Office of Planning, Evaluation, and Legislation; (4) analyzes trends and makes forecasts about national health services delivery systems for use in the program management and decision-making process; and (5) develops appropriate roles for Federal health service delivery programs in achieving solutions to problems of illness and disease.

Office of Evaluation and Operational Planning (3AA505). (1) Serves as the Administrator's primary staff unit and principal source of advice on operational planning and program evaluation; (2) oversees communications between HSA and higher levels of government on all matters that involve operational objectives or evaluations of program performance; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its area of responsibility; (4) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits; (5) identifies for the Administrator any missing program performance data required for use in the management and direction of HSA programs; (6) prepares and implements comprehensive program evaluation strategies to obtain needed evaluative data; (7) monitors on-going information systems which produce evaluative data about the agency's programs; (8) performs analyses of the impact of agency programs on specific groups within the population including minorities; (9) oversees the development of annual operating objectives and coordinates HSA's participation in the operational planning system; (10) collects and analyzes periodic reports of progress toward the achievement of annual objectives; (11) identifies problem areas in achieving operational objectives and recommends actions to be taken in response to those problems; and (12) provides staff support for the Administrator on matters involving management conferences with higher level officials.

Office of Program Planning (3AA507). (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning; (2) oversees communications between HSA and higher levels of government on all matters that involve program plans; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its areas of responsibility; (4)

develops long range goals, objectives, and priorities for HSA; (5) develops in collaboration with financial management staff the long-range program and financial plan for the Administration; (6) analyzes budgetary data with regard to planning guidelines; (7) prepares policy analysis papers and other planning documents as required in HSA's forward planning process and (8) collaborates with the Office of Management in the development of the current and budget year financial plans.

Office of Legislation (3AA509). (1) Serves as the Administrator's primary staff unit and principal source of advice on legislative affairs; (2) acts as the focal point in the agency for the preparation, development, and monitoring of HSA's regulations; (3) oversees communications between HSA and higher levels of government on all matters that involve legislative affairs and regulation development; (4) oversees the legislative affairs of HSA; (5) develops legislative proposals and a legislative program for HSA's area of responsibility; (6) prepares HSA's analyses, position papers, and reports on proposed legislation; (7) assists in the preparation of testimony and backup materials on HSA legislative program for presentation to Congressional Committees; (8) monitors hearings and Congressional activities affecting HSA; (9) coordinates the preparation of information requested by, and provides technical assistance to, Congressional Committees, Members of Congress, or their staffs in relation to HSA's legislative program and (10) coordinates the distribution of legislative materials and serves as a legislative reference center.

Office of Management (3AA9). Under the direction of the Associate Administrator for Management, who is a member of the Administrator's immediate staff: (1) Provides Administration-wide leadership, program direction, and coordination of all phases of management; (2) provides management expertise, and staff advice and support to the Administrator in program and policy formulation and execution; (3) plans, directs and coordinates the Administration's activities in the areas of management policy, financial management, personnel management, grants and contracts management, procurement, real and personal property accountability and management, systems management, and administrative services; (4) plans and conducts an Equal Employment Opportunity program for the Office of the Administrator; and (5) provides direction to the Executive Officer for the Office of the Administrator.

Office of Contracts and Grants (3AA903). (1) Formulates and issues Administration policies, procedures, standards and instructions for procurement management (including negotiated contracts) and grants management; (2) provides advice and consultation on interpretation and application of regulatory issuances, and Department and PHS policies and procedures affecting procurement (contracting) and grants management; (3) establishes standards and guides for, and evaluates the Adminis-

tration's grants and procurement management operations; (4) compiles, analyzes and publishes data essential to the administration of contracting and grants activities; (5) executes, administers and terminates negotiated contracts; (6) reviews and recommends action concerning requests for waivers, appeals, deviations, determinations and findings, and protects against awards required to be directed to the Office of the Secretary; (7) coordinates Administration positions and actions with respect to grants audit requirements and results; and (8) exercises surveillance over the exercise of delegated procurement authorities by HSA filed installations.

Office of Financial Management (3AA905). (1) Collaborates in the development of the long range program and financial plan for the Administration; (2) develops policies and instructions for budget preparation and presentation; (3) prepares budget submissions; (4) participates in budget hearings; (5) allocates resources, dollars and positions; (6) manages a system of budgetary fund and position controls; (7) directs planning and implementation of fiscal systems and procedures; (8) provides accounting services for activities of the Office of the Assistant Secretary for Health, Health Services Administration, Health Resources Administration, Alcohol, Drug Abuse, and Mental Health Administration, and Center for Disease Control; (9) prepares financial reports; (10) participates in development of policies and procedures concerning financial aspects of grants and negotiated contracts; (11) furnishes financial advice to contracting officers; and (12) maintains liaison with the Office of the Assistant Secretary for Health, Office of the Secretary, and Office of Management and Budget.

Office of Management Policy (3AA907). (1) Conducts organization and management studies and surveys; (2) initiates or reviews proposals for establishing or modifying organizational structure or function, delegations of authority, and management objectives, policies, and standards; (3) negotiates solutions to intra- and inter-agency problems of organization, functions, delegations, procedures, or coordination; (4) conducts Administration-wide management improvement programs including manpower utilization and productivity measurement; (5) participates in program and legislative planning to assure recognition of management problems; (6) manages the documentation and issuance system of the Administration; (7) provides staff support in the establishment, organization, operation, and termination of HSA public advisory committees; and (8) conducts the records and forms management programs of the Administration.

Office of Personnel (3AA909). (1) Plans, directs, and coordinates personnel management programs to meet the particular needs of the Health Services Administration; (2) provides personnel management advisory services to the Administrator, Associate Administrator for Management, and other key officials

throughout the Administration; (3) develops policies, procedures, and standards for personnel matters involving both Commissioned Officers and civil service employees in those areas where special Health Services Administration requirements exist; (4) provides staff guidance and support to headquarters and field components in the areas of manpower planning, employment, employee development, upward mobility, labor relations, employee relations, security, position and pay management and in the self-evaluation of personnel activities; and (5) maintains liaison with the Office of the Assistant Secretary for Health, the Office of the Secretary, the Civil Service Commission, and other agencies concerned with personnel management.

Office of Property Management (3AA911). (1) Plans, directs, and coordinates property management programs (including personal and real property) covering Headquarters and field activities; (2) provides advice on matters relating to the development and execution of property management policies and programs; (3) develops procedures and provides training for property management operations; (4) interprets regulatory issuances and provides guidance and technical assistance in property management areas; (5) evaluates Health Services Administration property management programs, systems and activities (including on-site reviews); (6) administers a Health Services Administration-wide program for safety management; (7) administers the Perry Point Supply Service Center and (8) maintains necessary liaison with other organizations concerned with property management activities.

Office of Systems Management (3AA913). (1) Serves as the focal point in HSA for the development of Agency-wide systems and for ADP policy, planning, and evaluation; (2) Facilitates coordination within the Administration to ensure compatibility between Administration, PHS, and Department ADP activities; (3) Develops HSA information systems; (4) Develops and implements an HSA ADP evaluation program to evaluate ADP resource utilization and to assess the utility of computer application systems; (5) Establishes the Data Base Administration program within HSA; (6) Develops, operates, and manages the Parklawn central computer facility performing a service function for CDC, HRA, HSA, OASH, and ADAMHA, and providing services to other Federal components as requested; (7) Coordinates with officials of these organizations to ensure that operational equipment and systems needs are met and that adjustments are made as changes in Program emphasis occur; (8) Participates in the development of Public Health Service-wide information systems; (9) Evaluates and obtains data management systems and other software to meet user information system requirements; (10) Participates in audits of information systems; (11) Participates in the development and implementation of a PHS National-wide communications network; and (12) De-

velops and implements a program to evaluate ADP resource utilization within the Parklawn complex.

Executive Office (3AA915). (a) For the Office of the Administrator plans, directs, and coordinates administrative management activities; (b) Provides administrative management services including personnel, financial, materiel management and general administrative services; (c) Develops and implements management policies, procedures, systems and practices; (d) Serves as the focal point for liaison with the Office of the Assistant Secretary for Health on financial, personnel, organization, supply, and other management concerns of OA; and (e) Acts for the Associate Administrator for Management concerning space, parking, and communications management for HSA headquarters and represents him in matters relating to the management of the Parklawn Building.

BUREAU OF COMMUNITY HEALTH SERVICES (3B00)

The Bureau of Community Health Services serves as a national focus for efforts to improve the organization and delivery of health services in the context of the major health care financing programs. To this end, the Bureau (1) facilitates the development of locally-based programs of health services delivery; (2) initiates activities which provide alternate methods of health service delivery and health maintenance; (3) enhances the capacity of existing health service programs for full participation in the major public health financing systems—Medicare and Medicaid; (4) administers programs providing specific services to specific populations including family planning, maternal and child health care, and migrant care; (5) directs programs, including the National Health Service Corps, which assure accessibility to health care in underserved areas; and (6) improves quality and contains costs of services provided in grant-initiated health service delivery programs.

Office of the Director (3B01). (1) Provides leadership and direction for Bureau activities including Equal Employment Opportunity, and control of written communications; (2) provides guidance and coordination to each major categorical program provided for by legislation or appropriation, by acting as a central point of reference for program continuity and information; (3) establishes program policies, goals and objectives; (4) provides program development and support services for Bureau activities; (5) communicates and interprets program policies, guidelines, and priorities to Regional Offices; (6) stimulates, coordinates and evaluates development and progress of the Bureau activities; (7) maintains relationships with HSA, other HEW operating agencies, other Federal agencies, and through the Regional Offices, State and local governments, consumer groups, and national organizations concerned with health affairs.

Program Office for National Health Service Corps (3B04); Program Office for Maternal and Child Health (3B05); Program Office for Family Planning (3B06); Program Office for Migrant Health (3B07); Program Office for Neighborhood Health Centers (3B08); Program Office for Health Maintenance Organizations (3B09).

Under the direction of an Associate Bureau Director who is a member of the Bureau Director's immediate staff: (1) Carries out the Bureau of Community Health Service's nationwide role in efforts to improve the organization and delivery of health services by serving as both the advocate and point of accountability for the specific categorical programs; (2) develops and establishes national policies and objectives for such programs; (3) provides leadership and direction for legislative activities in the program area, including both the development of proposals and plans and the interpretation of enacted legislation and reports; (4) develops long and short-range program goals and objectives; (5) is accountable for the administration of funds and other resources for grants, contracts, and technical assistance, utilizing the full resources of the Bureau in fulfilling the program's mission and responsibilities; (6) tracks BCHS and Regional Office activities in program matters to insure that delegated responsibilities are being carried out, including direct and indirect communications, Regional Office conferences and field visits as warranted; (7) coordinates the development of, and establishes regulations, guidelines, and standards for professional services, and for the effective organization and administration of health programs, and the improvement of health services and staff development specific to the program of concern; (8) interprets policies, regulations, guidelines, standards, and priorities to higher echelons, within PHS, to Regional Offices, grantee agencies, institutions and organizations; (9) provides coordination with other programs providing health services including voluntary official and other community agencies; (10) establishes and provides liaison in program matters with other programs within BCHS and HSA, within PHS, with the Department and with other Federal agencies, consumer groups and national organizations concerned with health matters, and through the Regional Offices, with State and local governments.

Office of Program Support (3B19). (1) Plans, directs, and evaluates the administrative management support activities of the Bureau; (2) provides guidance to the Bureau on financial management activities, including program policy interpretation in budget formulation and execution, preparation of program planning and budgeting data and financial management of grants; (3) participates and advises the Bureau Director in the allocation of the Bureau's personnel and funding resources; (4) interprets and implements agency management policies, procedures and systems and develops ad-

ditional policies and procedures to satisfy other internal management requirements of the Bureau; (5) interprets policy and provides direction in the conduct of the Bureau's contract and formula and project grant activities; (6) provides program support services to the operating components of the Bureau on matters relating to the professional public and other Federal and non-Federal organizations; (7) provides administrative support services to the programs of the Bureau in the conduct of day-to-day operations; (8) serves as the Bureau Director's principal advisor on all matters relating to Bureau management and administrative support activities; and (9) maintains close liaison with the Associate Administrator for Management, HSA, with other officials of the Office of the Administrator, HSA, and as required and appropriate with officials of the Office of Assistant Secretary for Health and the Office of the Secretary on matters relating to the Bureau management and administrative support activities.

Office of Program Development (3B31). (1) Serves as the Bureau Director's principal staff arm for program planning and coordination, including the development of program alternatives and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Bureau Director and his immediate staff on program policy and operational implications arising from activities of the Office; (4) collaborates with the Program Support Office in the development and implementation of the 5-year program and financial plan for the Bureau's program planning and budgeting system; (5) coordinates the development of legislative program with planning; and (6) conducts special inquiries and studies.

Division of Policy Development (3B41). (1) Directs and administers the development of (a) policy, regulations, guidelines, related standards necessary for the operation, management and evaluation of legislated health care programs administered by the Bureau; and (b) criteria, methods and guides for program performance, and for the annual allocation of funding resources; (2) provides related consultation to Regional Office staffs, and through the Regional Offices, to State and local agencies, grantees and other representatives of the health care delivery system.

Division of Clinical Services (3B45). (1) Plans, directs, administers and coordinates the Bureau's Clinical Services and related professional health care activities at both the national and international level through programs of grants, contracts and direct staff consultation, guidance and technical assistance support; (2) establishes program objectives, standards and policies for guidance, through the Regional Offices, of state, local and other concerned organizations; (3) administers programs for: (a) research and development, (b) applied research in maternal and child health, crippled children and family planning

services; (c) staff training and development for regional, state and local agencies and grantees, and (d) areas of special concern such as mental retardation, lead poisoning, metabolic disorders, etc.; (4) collaborates in the development and dissemination of materials on research findings, trends and developments and other appropriate informational and educational matters.

Division of Health Services Financing (3B51). (1) Directs and administers the development of (a) policy, standards, and strategies in the organization and administration of financial and related business management aspects of health care programs administered by the Bureau, (b) mechanisms for determining the need, the present status, and the potential capability for maximizing third party reimbursement, (c) new or improved technologies, and practices for management of financial systems, and (d) measures and indicators of the effectiveness of these systems; (2) provides related technical advice and consultation to Regional Office staffs, and through Regional Offices to State and local agencies, grantees and other representatives of the health care delivery system; (3) collaborates with other Bureau organizations to facilitate the use and dissemination of research findings and to inform the public about the health delivery needs, trends, and developments of special population groups served by the Bureau.

Division of Organization Development (3B55). (1) Directs and administers a program to improve the organization and structure of health care delivery systems based on analyses of deficiencies in existing systems so as to reduce costs and increase quality and efficiency; (2) participates in the development and assessment of measures and indicators of program effectiveness; (3) provides related consultation to Associate Bureau Directors, PHS Regional Office staffs, State and local agencies, grantees and other representatives of the health care delivery system.

Division of Monitoring and Analysis (3B59). (1) Plans, directs, and administers: (a) the development, management, and application of evaluative tools and indicators to measure State, local and other grantee performance, (b) the monitoring, through Regional Offices, of the performance of Bureau health care projects, including PHS Regional Office management of these projects, as it relates to the efficiency and quality of services provided, and (c) the conducting of analyses and studies designed to supplement knowledge of existing patterns and trends in health care delivery systems in order to identify gaps in services and develop cost and quality comparisons and relative benefits of delivery mechanisms; and (2) provides and coordinates consultative services to PHS Regional Offices, and through the Regional Offices, to State and local agencies, and others responsible for the health care delivery system.

BUREAU OF QUALITY ASSURANCE (3H00)

Provides national leadership and direction to efforts to assure that health

care services provided under the Medicare, Medicaid, and other Federal programs are medically necessary and furnished in the most economical manner consistent with recognized professional standards of care, and serves as the national focus for assuring accountability to health care consumers for the quality of health care services. To this end, the Bureau: (1) In coordination with the Social Security Administration (SSA) the Social and Rehabilitation Service (SRS), and components of the Public Health Service (PHS): (a) Develops quality assurance standards and appropriate health policies, coordinates their implementation among the health programs for which the Federal government has responsibility, and evaluates their impact on the utilization, quality, and cost of health care services; (b) develops conditions and standards of participation for providers and suppliers of health services under the Medicare and Medicaid programs, including health and safety standards, and coordinates their application, monitoring, and appraisal; (c) develops, interprets, and implements policies for professional standards review and related peer review and utilization review programs under Medicare and Medicaid including responsibility for entering into agreements with Professional Standards Review Organizations (PSROs) and Professional Standards Review (PSR) State Councils; (d) develops, interprets, and evaluates health care and health-related policies with respect to the implementation of the End-Stage Renal Disease provision of the Social Security Act, and coordinates with Medicare the implementation and monitoring of these policies; (e) develops and implements principles of reimbursement for PSROs, PSR State Councils, and develops policies with respect to the operational aspects of peer and utilization review programs including their monitoring, and evaluation; (2) identifies issues for Office of the General Counsel (OGC) analysis on such legal and technical aspects as peer review, utilization review and health standards policies; (3) determines information and data reporting, collection, and systems requirements for PSRO, and coordinates their implementation with SSA, SRS, and the Health Resources Administration (HRA); (4) in cooperation with SSA and HRA, determines information requirements and develops systems to implement such requirements to assure the quality of services provided under the End-Stage Renal Disease Program; (5) coordinates activities of other agencies involved in the monitoring and appraisal of peer review and health-related Federal programs to determine the impact on quality, utilization, access, and cost of care; (6) in collaboration with HRA undertakes demonstration and research projects to develop improved methods and techniques for conducting peer review and assuring quality of care; (7) conducts ongoing programs of informational and technical advice and assistance to peer review organizations and the medical community generally; (2) provides programmatic and technical direction to the PHS Regional Office staffs responsible

for peer review and health standards programs; and (9) provides analytic and technical support to the National Professional Standards Review Council.

Office of the Director (3H01). (1) Provides leadership and general direction to Bureau activities including Equal Employment Opportunity and the control of written communication, and provides guidance and coordination to each major Bureau component by acting as a central point of reference for program continuity and information; (2) establishes Bureau policies, goals, and objectives; (3) communicates and interprets program policies, guidelines, and priorities to PHS Regional Offices; (4) coordinates and evaluates development and progress of the Bureau activities; and (5) maintains relationships with other HEW operating agencies, other Federal agencies, State and local governments, consumer groups, and national organizations concerned with health affairs.

Office of Program Support (3H19). (1) Plans, directs, and evaluates the administrative management support activities of the Bureau; (2) Provides guidance to the Bureau on financial management activities, including program policy interpretation in budget formulation and execution, preparation of program planning and budgeting data and financial management of agreements; (3) participates and advises the Bureau Director in the allocation of the Bureau's personnel and funding resources; (4) interprets and implements agency management policies, procedures and systems and develops additional policies and procedures to satisfy other internal management requirements of the Bureau; (5) interprets policy and provides direction in the conduct of the Bureau's contract and agreement activities; (6) provides program support services to the operating components of the Bureau on matters relating to the professional public and other Federal and non-Federal organizations; (7) provides administrative support services to the programs of the Bureau in the conduct of day-to-day operations; (8) serves as the Bureau Director's principal advisor on all matters relating to Bureau management and administrative support activities; and (9) maintains close liaison with the Associate Administrator for Management, HSA, with other officials of the Office of the Administrator, HSA, and as required and appropriate with officials of the Office of Assistant Secretary for Health and the Office of the Secretary on matters relating to the Bureau management and administrative support activities.

Office of Program Development (3H31). (1) Serves as the Bureau Director's principal staff arm for program planning and coordination, including the development of program alternatives and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Bureau Director and his immediate staff on program policy and operational implications arising from activities of the Bureau; (4) collaborates with the Office of Program Support and operating Divisions in the

development and implementation of the 5-year program and financial plan for the Bureau's program planning and budgeting system; (5) coordinates the development of information relating to the legislative needs of the Bureau; and (6) conducts special inquiries and studies.

Division of Provider Standards and Certification (3H41). (1) In coordination with SSA, SRS, and components of PHS, develops, evaluates, and implements health and safety standards and other medical care policies for providers and suppliers of health services under Medicare, Medicaid, and other Federal reimbursement and support programs; (2) in participation with SSA, SRS, and other components of HEW, administers, monitors and evaluates the HEW health provider and supplier certification programs; (3) participates with SSA and SRS in the conduct of training, informational, and other activities for improving the provider and supplier certification program; (4) provides consultation on provider and supplier standards and their implementation to other Federal agencies, Regional Offices, State health departments, and other State and local agencies; (5) in cooperation with SSA, plans, develops, and implements the medical and other health-related policies for the End-Stage Renal Disease Program; and (6) participates as the Bureau focal point in policy operations and procedural matters relative to long-term care activities.

Division of Peer Review (3H43). In coordination with SRS and SSA: (1) Plans, directs, and develops peer review and quality assurance policies, including utilization review, medical review, and independent professional review; (2) develops policies and procedures for the application of norms and professional standards of care; and (3) defines and develops policies and procedures related to the application and implementation of peer review programs.

Division of PSRO Program Operations (3H45). (1) Coordinates with SSA and SRS the implementation and ongoing operational activities of Federal programs, including Medicare and Medicaid, with respect to peer and utilization programs, and other quality assurance policies; (2) develops, implements, and applies with SSA and SRS on an ongoing basis policies relating to fiscal management of peer review program, including the principles of reimbursement for PSROs and PSR State Councils, the budgeting, accounting, reports management, statistical reporting, and auditing requirements applicable to such peer review organizations and PSR State Councils; (3) directs the administration in coordination with SSA-SRS, and evaluation of peer review and quality assurance program management policies including the application of policies and guidelines relating to the organization, membership, and management of PSROs and State Councils, the negotiation of PSRO agreements in collaboration with PHS Regional staff, and the coordina-

tion with the Office of Regional Operations, Office of the Assistant Secretary for Health, the Regional operations and relationships among SSA-SRS-PHS Regional staffs; (4) provides advice and assistance to PHS Regional offices, PSROs, and State Councils with respect to fiscal and program management activities; and (5) prepares issues for OGC analyses relating to legal aspects of peer review and quality assurance and coordinates with SSA-SRS-OGC the development of appropriate policies with respect to legal aspects of peer review and quality assurance programs.

Division of Program Appraisal and Data Planning (3H47). (1) Develops, in collaboration with SSA-SRS-HRA, peer review data systems policies, procedures, and requirements, including specifications of peer review data systems required for effective implementation of the PSRO provisions of the Social Security Act; (2) in coordination with other appropriate components of DHEW, develops policies for the evaluation and evaluates the impact of peer review activities on the utilization, quality and cost of health services; (3) coordinates the development, monitoring, and evaluation of peer review demonstration projects, experimental projects and special research projects designed to elicit information or data relevant to the formulation and implementation of policies on peer review, health standards, and the End-Stage Renal Disease Program; (4) in collaboration with SSA, and other Bureau components, assists in evaluating the impact of End-Stage Renal Disease Program; and (5) designs and implements statistical and other reporting systems necessary to carry out effectively health program monitoring and evaluation activities.

INDIAN HEALTH SERVICE (3S00)

The Indian Health Service (IHS) assures a comprehensive health services delivery system for American Indians and Alaska Natives with sufficient options to provide for maximum tribal involvement in meeting their health needs. The goal for the Indian Health Service is to raise the health level of the Indian and Alaska Native people to the highest possible level.

To carry out its mission and to attain its goal, the Indian Health Service: (1) Assists Indian tribes in developing their capacity to man and manage their health programs through activities including health and management training, technical assistance, and human resource development; (2) facilitates and assists Indian tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State, and local programs, in operation of comprehensive health programs, and in health program evaluation; (3) provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities; (4) serves as the principal Federal advocate for Indians in the

health field to assure comprehensive health services for American Indians and Alaska Natives.

Office of the Director (3S01). Provides overall direction and leadership for the Indian Health Service by: (1) Establishing goals, objectives, policies and priorities in pursuit of the IHS mission; (2) delivering high quality, comprehensive health services; (3) coordinating the Indian Health Service activities and resources internally and externally with those of other governmental and non-governmental programs, promoting optimum utilization of all available health resources; (4) developing and demonstrating alternative methods and techniques of health services management and delivery providing Indian tribes and other Indian community groups with optional ways of participating in the Indian health program; and (5) developing individual and tribal capacities to participate in the operation commensurate with means and modalities which they deem appropriate to their needs and circumstances.

Office of Tribal Affairs (3S11). The Office: (1) Advises on the tribal affairs implications of Service policies, plans, and programs and operations; (2) coordinates the development of optimal, supportive relationships with tribal governments, intertribal governing bodies, national Indian interest groups, and other individuals and groups interested and active in Indian affairs; (3) participates in the Service-wide executive policy formulation and execution.

Office of Program Support (3S19). The Office: (1) Provides management support services for the Indian Health Service; (2) maintains official policy manuals; (3) advises on the management services implications of the Service policies, plans, programs and operations.

Office of Research and Development (3S20). The Office: (1) Develops and demonstrates new methods and techniques for Indian community participation in and management of their health program; (2) provides consultation and technical assistance to all operating and management levels of the Indian Health Service and Indian tribes in the evaluation, design and implication of health management systems and health delivery systems; (3) coordinates health research and development activities within the Service directed to the improvement of the health of the Indian people.

Division of Program Formulation (3S32). (1) Coordinates formulation of Service-wide executive policy and participates in its execution; (2) coordinates the development of program strategies and innovative directions for the Service, and advises on the strategic implications of program and management policies, plans and operations; (3) assists in the formulation, and evaluation of legislation and regulations; (4) provides Service-wide leadership in the development of long-range plans and planning strategies, and the evaluation of health needs and operations in relation to

Service strategies, policies and long-range plans.

Division of Program Operations (3S34). (1) Participates in Service-wide executive policy formulation and execution; (2) advises on the operational implications of the Service's plans, programs and operations; (3) provides Service-wide leadership in program operations and internal coordination in relation to Service goals, objectives, policies and priorities; (4) provides direction and coordination for day-to-day operations of Area Offices.

Division of Indian Community Development (3S42). (1) Participates in Service-wide executive policy formulation and execution; (2) identified the needs for and characteristics of optional methods and techniques for Indian program participation; (3) implements new methods and techniques for Indian community participation in and management of their health programs; (4) coordinates provision of technical assistance, training and consultation to tribes and other Indian communities desiring to implement local control options; (5) advises on the Indian community development implications of the Service's plans, programs and operations; (6) provides direction and coordination for day-to-day operations of special programs.

Division of Resource Coordination (3S44). (1) Participates in the Service-wide executive policy formulation and execution; (2) provides leadership in coordinating development of optimal liaison with governmental agencies and organizations within the Department of Health, Education, and Welfare and without, which have authorities, programs and resources applicable, or potentially applicable to Indian health needs; (3) advises on the resource coordination implications of Service policies, plans, programs and operations; (4) coordinates development of the Service budget; (5) coordinates the development and implementation of health services standards, quality control, evaluation of health programs, and operational planning activities.

BUREAU OF MEDICAL SERVICES (3U00)

The Bureau of Medical Services provides direct health care services and support for such services to certain legal beneficiaries of the Public Health Service, including meeting the occupational health needs of Federal employees, and provides national leadership to assist and encourage the development of comprehensive area emergency medical services systems. To this end the Bureau provides: (1) Comprehensive direct health care for designated Federal beneficiaries and selected community groups; (2) Occupational health care and safety services for Federal employees; (3) Training for health services personnel; (4) The conduct of intramural clinical and health services research; (5) National leadership for assistance and guidance in the development, improvement, expansion, and integration of comprehensive area emergency medical services systems.

Office of the Director (3U01). (1) Provides leadership and general direction to Bureau activities, including Equal Employment Opportunity and the control of written communication, and provides guidance and coordination to each major Bureau component by acting as a central point of reference for program continuity and information; (2) Establishes Bureau policies, goals, and objectives; (3) Communicates and interprets program policies, guidelines, and priorities to the PHS Regional Offices; (4) Coordinates and evaluates development and progress of the Bureau activities; and (5) Develops and directs a comprehensive medical program for prisoners in Federal prisons and correctional institutions; and development and progress of the Bureau activities; and (6) Maintains relationships with other HEW operating agencies, other Federal agencies, State and local governments, consumer groups, and national organizations concerned with health affairs.

Office of Program Development (3U14) Provides staff support to the Bureau Director for: (1) Program planning and evaluation, including development of improved methodologies for planning and evaluation; (2) consultation and guidance in policy development for the Bureau; and (3) leadership, guidance, and coordination for Bureau professional and technical health manpower development responsibilities.

Office of Program Support (3U19) Plans, directs, and coordinates the Bureau's management activities, including: (1) The development, coordination, and evaluation of administrative program, policies and procedures; (2) the conduct and coordination of the Bureau's financial management, materiel management, and data management programs; (3) participation in administrative staff recruitment, training and assignment; (4) provision of consultative services to and continuing liaison with other programs of the Public Health Service; (5) provision of architectural and engineering services in collaboration with the PHS Office of Resource Management; and (6) the formulation, implementation, coordination, and evaluation of legislation, regulations, policies, instructions, and procedures as they affect the Bureau.

Division of Federal Employee Health (3U45). (1) Provides on, and stimulates the development of, and improved occupational health and safety programs throughout the Government; (2) elevates upon request Federal agency occupational health services in relation to standards; (3) administers employee occupational health programs for other Federal agencies on a reimbursable basis; (4) conducts research studies, training and demonstration projects; (5) develops occupational medical standards and methods for Federal employee occupational health programs; and (6) promotes activities designed to protect the working health and safety of Federal employees in order to maximize their productivity.

Division of Hospitals and Clinics (3U55). (1) Directs and coordinates the

provision of direct health and medical services to certain legal authorized beneficiaries in PHS hospitals and outpatient clinics, including care by contract physicians and hospitals; (2) coordinates, with other elements of the Bureau, the requirements and resources necessary for effective beneficiary services; (3) provides for training and manpower development, the coordination of research activities, and special health programs and projects of the Bureau; and (4) develops and directs a comprehensive medical services program for Federal employees who sustain an injury or illness as a result of their employment and provides technical advice in the adjudication of compensation claims.

Division of Emergency Medical Services (3U61). Provides national leadership for assistance, guidance, and encouragement in the development, improvement, expansion, and integration of comprehensive area emergency medical services systems to meet the needs of States and local communities and other eligible entities pursuant to the Emergency Medical Services Systems Act of 1973 (Pub. L. 93-154). To this end: (1) Serves as the focal point within the Department for the development of objectives, plans, and policies for all aspects of an emergency medical services systems program; (2) promulgates national standards and guidelines for emergency medical services systems; (3) coordinates emergency medical services systems activities within the Department and with Federal and other agencies, consumer groups, and professional organizations; (4) provides staff and support for the Interagency Committee on Emergency Medical Services; (5) collects, analyzes, catalogues and disseminates all data useful in the development and operation of emergency medical services systems; (6) provides budget authority and technical cooperation to the Health Resources Administration for implementation of emergency medical services systems research and training; (7) through the PHS Regional Offices, provides grants and contracts to States, communities, and other eligible entities in the planning, development, initial operation, and improvement and expansion of their emergency medical services systems and subsystems; (8) through the PHS Regional Offices and the Headquarters office, provides technical assistance and consultation to States, communities, and organizations in the development of emergency medical services systems and subsystems.

Division of Coast Guard Medical Services (3U71). (1) Develops and directs a comprehensive medical program for military personnel of the Coast Guard; and (2) provides medical and dental care to Coast Guard military personnel and eligible dependents through hospitals, clinics, infirmaries, sick bays, motorized dental units, and contract resources located throughout the United States and foreign countries and aboard Coast Guard vessels.

Sec. 3-C *Order of succession.* During the absence or disability of the Administrator or in the even of a vacancy in that office the first official listed below who is available shall act as Administrator, except that during a planned period of absence the Administrator may specify a different order of succession.

(1) Deputy Administrator; (2) Associate Administrator; (3) Director of Indian Health Service; (4) Director of Federal Health Programs Service; (5) Director of the Bureau of Community Health Services; and (6) Director of the Bureau of Quality Assurance.

Sec. 3-D *Delegations of authorities.* (1) The Administrator shall continue to exercise all authorities given to him under the Reorganization Order, effective July 1, 1973 (38 FR 18261, July 9, 1973), and under the Redelegation by the Assistant Secretary for Health, effective July 1, 1973 (38 FR 18260, July 9, 1973). All delegations or redelegations to any other officer or employee of the Health Services Administration which were in effect immediately prior to July 1, 1973, continue in effect in them or their successors, pending issuances of redelegations.

Dated: March 12, 1974.

S. H. CLARKE,
Acting Assistant Secretary
for Administration and Management.
[FR Doc.74-6373 Filed 3-19-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE; AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On March 29-30, 1974, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Rodeway Inn, 29th and Chinden Boulevard, Boise, Idaho.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication will meet on March 29 from 9 a.m. to 5 p.m. and on March 30 from 9 a.m. to 12 noon at the Rodeway Inn in the Bannock Room with the following agenda:

Traffic Offense Adjudication and Rehabilitation Alternatives for Problem Drivers
New Business

The above meetings will be held, subject to approval by the Secretary of Transportation.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: March 15, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-6452 Filed 3-19-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS

Notice of Exception

Section 105c(7) of the Atomic Energy Act of 1954, as amended (the Act), provides that the Atomic Energy Commission may, with the approval of the Attorney General, except from any of the requirements of section 105c of the Act such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws as specified in subsection 105a.

An application for a manufacturing license has been submitted to the Commission by Offshore Power Systems (the applicant) a joint venture between Westinghouse Electric Corp. and Tenneco Power Systems, Inc. In the application Offshore Power Systems requests authority to manufacture eight utilization facilities to be sold to one or more utilities for operation in a marine environment.

Subsequent to the filing of the application the applicant requested, pursuant to 28 CFR Part 50, that the Department of Justice perform a business review to determine the Antitrust Division's enforcement intentions with respect to the joint venture. The Department of Justice has completed its business review process, and, on the basis thereof, rendered favorable advice to the applicant in a letter dated October 5, 1973. A copy of the Department's letter is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

On the basis of favorable antitrust review by the Department of Justice, the Commission has determined that the class or type of license reflected in the application submitted by Offshore Power Systems would not significantly affect the applicant's activities under the antitrust laws as specified in section 105a

of the Act and, accordingly, has, with the approval of the Attorney General, excepted such class or type from the requirements of section 105c of the Act.

This determination applies only to the above-described class or type of manufacturing license as reviewed by the Department of Justice. The provisions of section 105c of the Act remain fully applicable in regard to applications for the construction and operation of facilities manufactured pursuant to such manufacturing licenses.

(Sec. 105c(7), 84 Stat. 1473 (42 USC 2135(c)(7)))

Dated at Germantown, Maryland, this 14th day of March, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-6325 Filed 3-19-74; 8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC. AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

License No. CSF-1; Applications for Amendments; Conversion to Full-Term Operating License; Time for Submission of Views on Antitrust Matter

Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority (the applicants), have filed applications for amendments to License No. CSF-1, including any construction permit required for authorization to perform certain modifications to the West Valley Fuel Reprocessing Plant and authorization to operate the modified Facility for a term of 40 years. Pursuant to the Commission's order of November 13, 1973, published in the FEDERAL REGISTER on November 20, 1973 (38 FR 31985), the applications will be processed in accordance with the requirements of section 103 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations pertaining to applications for a license pursuant to section 103 of the Act.

An application was tendered by Nuclear Fuel Services, Inc., on October 3, 1973. Following a preliminary review for completeness, it was amended and resubmitted on December 13, 1973. The application for the New York State Atomic and Space Development Authority was submitted on December 13, 1973. The applications were docketed on December 17, 1973.

The West Valley Fuel Reprocessing Plant is located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles south of Buffalo. After modification, the reprocessing facility will have an operating capacity of approximately 750 metric tons of uranium per year.

A Note of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the applications presented to the Attorney General for consideration shall submit such

views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, Regulation, on or before May 20, 1974.

The request should be filed in connection with Docket No. 50-201A.

Copies of the applications are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Memorial Library of Little Valley, Main Street, Little Valley, New York.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR part 50, an environmental report dated December 13, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed modifications and subsequent operation of the modified West Valley Fuel Reprocessing Plant is also being made available at the State Clearinghouse, New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, New York 14755.

After the report has been analyzed by the Commission's Director of Regulations or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission, will among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 5th day of March 1974.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Fuel Fabrication and Re-
processing Branch, Director-
ate of Licensing.

[FR Doc. 74-6324 Filed 3-19-74; 8:45 am]

[Docket Nos. STN 50-477, STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Receipt of Application for Site Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Company (the applicant), on behalf of itself and Atlantic City Electric Company and Jersey Central Power & Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed

an application, which was docketed on March 1, 1974, for authorization to construct all necessary site related structures and to install two floating nuclear power plants, each of which incorporates a pressurized water reactor. An application filed by Offshore Power Systems for a license to manufacture these and other floating nuclear plants is currently under review. The floating nuclear plants will be manufactured in Jacksonville, Florida, and towed to selected sites. The Public Service Electric and Gas Company application was tendered on December 19, 1973. Following a preliminary review for completeness, the application was found acceptable for docketing on February 11, 1974.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants, wherein applications may be filed utilizing reactors manufactured at a location different from where they will eventually be located. Docket Nos. STN 50-477 and STN 50-478 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Atlantic Generating Station, Units 1 and 2, are to be moored behind a protective breakwater in the Atlantic Ocean approximately 2.8 statute miles off the southeastern coast of New Jersey. Each unit is to be designed for initial operation at 3411 megawatts thermal and a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before May 20, 1974. The request should be filed in connection with Docket Nos. STN 50-477A and STN 50-478A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Stockton State College Library, Pomona, New Jersey 08240.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated March 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey, 08625.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be

prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 7th day of March 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors
Group 13, Directorate of Li-
censing.

[FR Doc. 74-6323 Filed 3-19-74; 8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC., AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

Applications for Construction Permit; Consideration of Conversion of License; Hearings

Pursuant to the Atomic Energy Act of 1954 as amended (the Act), and the regulations in Title 10 (CFR Part 50 Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the applications filed under the Act by Nuclear Fuel Services, Inc., and the New York State Atomic and Space Development Authority (the applicants), for a construction permit to perform certain modifications of the subject nuclear fuel reprocessing facility.

The facility is located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles from Buffalo. The facility is currently authorized under Provisional Operating License No. CSF-1 to operate at a capacity of about 300 metric tons of uranium per year. The modifications which would be authorized by the construction permit would increase the operating capacity to approximately 750 metric tons of uranium per year. The hearing which will be scheduled to begin in the vicinity of the site of the facility, will be conducted by a Board (Board designated by the Chairman of the Atomic Safety and Licensing Board Panel), consisting of Dr. Hugh C. Paxton, Dr. William E. Martin, and Thomas W. Reilly, Esq., Chairman.

Pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commis-

sion. Notice as to the membership of the Appeal Board will be published in the *FEDERAL REGISTER* at a later date.

Upon completion by the Commission's Regulatory staff of a favorable safety evaluation of the applications and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicants:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a): (a) The applicants have described the proposed modifications of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated in the modified facility for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in amendments to the safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the applications for completion of modifications to the facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed modifications can be made and the modified facility can be operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed modifications to the facility;

3. Whether the applicants are financially qualified to design and construct the proposed modifications to the facility; and

4. Whether the issuance of a permit for construction of the modifications to the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine:

(1) Without conducting a de novo evaluation of the construction permit applications, whether the applications and the record of the proceeding contain sufficient information, the review of the applications by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether a construction permit should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the *FEDERAL REGISTER*.

Any person who does not wish, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement for the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1-5 above. Limited

appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, and others in the manner specified below not later than April 19, 1974.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant's to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary on or before April 19, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)-(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by April 9, 1974.

CONSIDERATION OF CONVERSION OF PROVISIONAL OPERATING LICENSE TO FULL-TERM OPERATING LICENSE

The Atomic Energy Commission (the Commission) will also consider the issuance of a full-term operating license to the applicants which would authorize the applicants to possess, use and operate the modified facility for a term of forty (40) years, upon the receipt of a

report on the applications from the Advisory Committee on Reactor Safeguards (ACRS), the submission of a favorable safety evaluation of the applications by the Commission's Director of Licensing, the completion of the environmental review required by the Commission's Regulations in 10 CFR Part 50, Appendix D, and the finding by the Commission that the applications for the full-term facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's Regulation in 10 CFR Chapter I.

Prior to issuance of the foregoing amended operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the applications, as amended, and the provisions of the above-noted construction permit. In addition, the full-term license will not be issued until the Commission has made the Findings, reflecting its review of the applications under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

On or before April 19, 1974, the applicants may file a request for a hearing, and any person whose interests may be affected by this proceeding may file a petition for leave to intervene with respect to the proposed issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of 10 CFR 2.714 as described in more detail above and must be filed with the Secretary of the Commission and others as specified below.

A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)-(4) and 2.714(d).

If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this Notice, the Board designated for the Construction Permit hearing will rule on the request and/or petition, and will issue a Notice of hearing or an appropriate Order.

In view of the joint application for a Construction Permit and full-term operating license for the modified facility, this joint notice is being issued at this time. Persons desiring to participate under 10 CFR 2.714 or 2.715 in both the Construction Permit proceeding and Operating License proceeding, if any, must clearly so indicate in any request for a hearing and/or petition for leave to intervene.

GENERAL MATTERS

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H

Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Newman, Reis and Axelrad, 1025 Connecticut Avenue, Washington, D.C. 20036, attorneys for Nuclear Fuel Services Inc., and to Debevoise, Plimpton, Lyons & Gates, 229 Park Avenue, New York, N.Y. 10017, ATTN: Oscar M. Ruebhausen, Esq., attorneys for New York State Atomic and Space Development Authority.

For further details, see the applications for amendments to Provisional Operating License No. CSF-1 dated December 13, 1973, and amendments thereto, and the applicants' environmental report dated December 13, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Memorial Library of Little Valley, Main Street, Little Valley, New York, for inspection by members of the public between the hours of 2 p.m. and 5 p.m., Monday, Tuesday, Thursday, and Friday and from 7 p.m. to 9 p.m. on Monday and Friday.

As they become available, a copy of the safety evaluation report(s) by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report(s) of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the proposed amended facility operating license, the transcripts of the prehearing conferences and of the hearing, and other relevant documents will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report(s), the Commission's final environmental statement(s), the proposed construction permit, the proposed amended facility operating license, and the ACRS report(s) may be obtained, when available, by request to the Deputy Director for Fuels and Materials, Directorate of Licensing; Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Maryland, this 8th day of March, 1974.

U.S. ATOMIC ENERGY
COMMISSION,
PAUL C. BENDER,

Secretary of the Commission.

[FR Doc.74-6425 Filed 3-19-74; 8:45 am]

[Docket Nos. STN 50-477, STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Hearing on Application for Site Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the

regulations in 10 CFR Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Public Service Electric and Gas Company on behalf of itself, Atlantic City Electric Company, and Jersey Central Power and Light Company for permits to construct site related structures and to install two floating nuclear power plants, each of which incorporates a pressurized water reactor designated as the Atlantic Generating Station, Units 1 and 2. The reactors will be manufactured in Jacksonville, Florida, and towed to the site. Each reactor will be designed for initial operation at 3411 thermal megawatts with a net electrical output of approximately 1150 megawatts. The proposed facilities are to be mounted on a platform and moored behind a protective breakwater in the Atlantic Ocean approximately 2.8 statute miles off the southeastern coast of New Jersey. The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants, wherein applications may be filed utilizing reactors manufactured at a location different from where they will eventually be located.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board, which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Marvin M. Mann, Dr. John R. Lyman, and Daniel M. Head, Esq., Chairman.

Pursuant to 10 CFR 2.785, and Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and affirmative findings on Items 5 and 6 specified below as a basis for the issuance of construction permits to the applicant:

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

6. Whether the proposed site on which the facilities are to be operated falls within the postulated site parameters specified in the application filed by Offshore Power Systems for a manufacturing license.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1-4 and 6 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) Whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-6 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2)

independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

As indicated above, the reactors will be manufactured in Jacksonville, Florida. The application by Offshore Power Systems for a manufacturing license is presently pending before another Atomic Safety and Licensing Board (Docket No. STN 50-437). The Commission will treat as resolved in this proceeding those matters which have been resolved in the manufacturing license proceeding unless there exists significant new information that substantially affects the conclusions reached at the earlier manufacturing license proceeding or other good cause. This proceeding, but not the manufacturing license proceeding, will consider the specific site proposed for the Atlantic Generating Station.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1-6 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to in-

tervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by April 19, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)-(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by April 9, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Troy B. Conner, Jr., Esq., Conner, Hadlock & Knotts, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006 and Richard Fryling, Jr., Esq., 80 Park Place, Newark, New Jersey 07101, attorneys for the applicant.

For further details, see the application for construction permits dated March 1, 1974, and the applicant's environmental report dated March 1, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Stockton State College, Pomona, New Jersey 08240, for inspection by members of the public between the hours of 8 a.m. and 10 p.m. Monday through Thursday, 8 a.m. and 6 p.m. on Friday, 9 a.m. and 4 p.m. on Saturday and 2 p.m. and 10 p.m. on Sunday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Maryland, this 11th day of March, 1974.

U.S. ATOMIC ENERGY
COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-6426 Filed 3-19-74; 8:45 am]

PRODUCTS

Notice of Issuance and Availability of Regulatory Guides

The Atomic Energy Commission has issued two new guides, Regulatory Guide 6.1, Leak Testing Radioactive Brachytherapy Sources, and Regulatory Guide 6.2, Integrity and Test Specifications for Selected Brachytherapy Sources, in its Regulatory Guide series. This series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are the first to be issued in Division 6, Products, of the Regulatory Guide series. Regulatory Guides 6.1 and 6.2 indicate acceptability, subject to conditions, of the use of American National Standards Institute standards N44.2-1973 and N44.1-1973, respectively, in implementing certain parts of the Commission's regulations.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 6 Regulatory Guides currently being developed include the following:

Guide to the Contents of Applications for Licenses for Radioisotopic Power Generators for Certain Land and Sea Uses.

Containment of Byproduct Material in Certain Devices to be Distributed for Use Under General License

Quality Control Sampling Procedures for Exempted and Generally Licensed Items Containing Byproduct Material

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 12th day of March 1974.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc.74-6427 Filed 3-19-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 26404; 26454; Order 74-3-67]

MILITARY FURLOUGH FARES

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of March 1974.

In the matter of military furlough fares proposed by various carriers.

By tariff revisions¹ marked to become effective March 15, 1974, Delta Air Lines, Inc. (Delta) and United Air Lines, Inc. (United) propose major modifications in the current military fares program.² United's proposal, applicable on and after April 1, 1974, would offer a 25 percent discount from the normal coach fare level on a reservation basis, except on Fridays and Sundays when military traffic will be carried on a standby basis only.³ As is now the case, military passengers will continue to be accommodated in the

¹ Revisions to Airline Tariff Publishers, Inc., Agent, C.A.B. Nos. 142 and 202.

² Other carriers which have filed to match the proposals include American Airlines, Inc., Continental Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc.

³ Currently, military standby fares are offered at a 50 percent discount from the applicable coach fare; military reservation fares provide a 33½ percent discount and are generally blacked out during peak travel periods, e.g., 2 p.m. through midnight Fridays and Sundays.

first-class section on a standby basis in the event space is not available in coach; will be permitted to travel during all holiday periods; and will be afforded reservations (regardless of day) if traveling on emergency leave. Delta's proposal is the same, except that it does not propose to black out reservations on Fridays and Sundays.

In support of their proposals, United and Delta allege, inter alia, that a uniform policy on the acceptance of military traffic will eliminate a source of possible confusion and irritation that results from the present two-level system; aid in simplifying tariff application; smooth out the boarding process; and ensure that military fares are more consistent with reductions in both the civilian discount structure and in the available airline capacity necessitated by the current fuel shortage.

United further alleges that income levels of military personnel have increased substantially in recent years, to a point where they now compare favorably with those of civilian employees. Consequently, United argues, it is no longer in the public interest to risk displacement of full-fare traffic for the personal benefit of military passengers. To the contrary, it is allegedly imperative that the military-discount program carry a realistic financial burden. United views this objective as increasingly important in light of the present fuel shortage and its effect in reducing overall available capacity (particularly during peak travel periods). Applying various profit impact criteria and employing several costing methods, United has estimated that its proposal will yield an approximate contribution to pre-tax earnings of between \$2.9 million and \$5.6 million.

The Department of Defense (DOD) has filed complaints against both proposals requesting suspension and investigation. In support thereof, the complainant alleges, inter alia, that the new program fails to conform to either the present or future needs of the national defense; that the Board has previously determined national defense considerations to be of paramount importance in assessing the reasonableness of military discount-fare levels; and that, in the case of United's proposal, the imposition of identical rate levels for both reservation and standby traffic is unlawful. DOD also refutes United's argument that the current program is no longer necessary or reasonable in light of the increased income levels of military personnel. It is DOD's contention that the current military-discount program significantly contributes to attracting and keeping individuals within the volunteer framework; abolition of the standby program and unwarranted increases in the reservation program could only compound the military's need for salary increases as well as contribute to a deterioration in the morale and welfare of servicemen stationed far from home.

United and Delta have answered DOD's complaints alleging, inter alia, that the economic justifications for their proposals are in full accordance with the Board's Economic Regulations; that ap-

appropriate consideration of the national interest has been included in their justifications; that the plethora of benefits which allegedly accrue to the military under the current discount program will continue under the revised program; and that there is no legal requirement that the new military-fare discount be identical to that offered previously. United further alleges that DOD's argument for suspension and investigation purely as a matter of "fairness alone" is without merit, since established Board procedures adequately satisfy the requirements of due process. It is United's contention, therefore, that allowing DOD its "day in court" is neither required nor warranted since the complaint fails to establish that the revised tariff is in any way unlawful.

Upon consideration of the tariffs, the complaints, the carriers' answers thereto, and all other relevant matters, the Board concludes that the complaints have not set forth sufficient facts to warrant investigation and hence the request therefor, and consequently the request for suspension, will be denied and the complaints dismissed.⁴

A major thrust of DOD's complaint concerns the question of whether the instant proposals adequately consider issues of national defense as required by section 102(a) of the Federal Aviation Act of 1958.⁵ The facts support United's contention, however, that military-discount fares are not, per se, specifically mandated by the Act. They are not among those specifically enumerated in section 403(b); and in any event, with respect to those particular categories specified, this section is permissive rather than obligatory.

DOD also argues that the proposed fare level will deprive military personnel of the same discount opportunities extended to other members of the traveling public. The Board is unable to concur in DOD's position in this regard, since military personnel can always avail themselves of those fare programs such as night coach or excursion fares which are available to all segments of the public and which offer significant discounts from the normal coach fare. Moreover, even assuming that national defense considerations still justify the existence of military fares, this does not necessarily require continuation of special fares at levels which are uneconomic and considerably out of line with other discount fares.

At the time the current military-fares

⁴However, the Board has determined to require the carriers to amend the effectiveness of the tariffs to a date not earlier than April 16, 1974.

⁵The Declaration of Policy in section 102 states in part: "In the exercise and performance of its powers and duties under this Act, the Board shall consider the following, among other things, as being in the public interest . . . (a) the encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense."

program was introduced in the early to mid 1960's, the United States was involved in the Vietnam conflict, military draft was prevalent, and the level of salaries paid military personnel was considerably below that of civilian employees. The current environment, however, significantly differs from that of the past: the United States' military involvement in Vietnam has ended, the imposition of the draft was terminated on June 30, 1973, and current salaries offered the military are considerably more in line with those of the civilian work force. For these reasons, we are not persuaded that the instant tariff proposals will adversely impact on the national defense, nor cause undue financial hardship to servicemen who desire or require a means of rapid and inexpensive air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102(a), 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. The complaints in Dockets 26404 and 26454 be and hereby are dismissed; and
2. Copies of this order be served upon the Department of Defense, Delta Air Lines, Inc., and United Air Lines, Inc., as well as American Airlines, Inc., Continental Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc.

This order will be published in the *FEDERAL REGISTER*.

O'Melia member, dissented.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-6433 Filed 3-19-74; 8:45 am]

[Docket 26470; Order 74-3-68]

NORTHWEST AIRLINES INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of March, 1974.

Transpacific passenger fares proposed by Northwest Airlines, Inc., Philippine Air Lines, Inc. and China Airlines, Ltd.

On January 31, 1974, Northwest Airlines, Inc. (Northwest), Philippine Air Lines, Inc. (PAL) and China Airlines, Ltd. (CAL), filed tariff revisions¹ which would implement an order from the Government of the Republic of the Philippines to make available special fares to persons holding a valid Philippine passport and maintaining permanent residence in the United States or Canada in connection with the Philippine-Government-sponsored "Operation Homecoming." The fares, at round-trip levels of \$555 (West Coast gateway cities to Manila) and \$464 (Honolulu to Manila), would be subject to a minimum/maximum-stay requirement of 30-90 days, permit no stopovers, and would be available

¹Air Tariffs Corporation, Agent, Tariff C.A.B. No. 44. See Appendix.

able only to groups of at least ten persons holding valid Philippine passports or U.S. passports with evidence of Philippine ancestry, their spouses and/or dependents.²

In support of its new filing, Northwest alleges that the "Homecoming Fare" has provided that carrier with \$609,550 in new revenue over a two-month period; that the fare has been particularly effective in generation of Hawaii-Manila traffic; and that it permits travel of Philippine ethnic persons in the interest of better relations between the United States and the Philippine people.

Pan American World Airways, Inc., (Pan American) has filed a complaint, Docket 26395, requesting investigation and suspension on the grounds that the proposed fares are both unjustly discriminatory and unreasonable. Pan American alleges that since, of the three filing carriers, PAL is the only carrier able to offer direct U.S.-Philippines service, it is clear that PAL is the primary party in interest; the proposed fares are patently discriminatory in that the fares would be available only to Philippine nationals; the proposed fares will be highly prejudicial to Pan American in that they represent a substantial reduction from presently effective fares; the proposed fares are uneconomic and appear to be an integral part of the Philippine Government's attempt to prejudice the competitive position of U.S. carriers in the Philippine market in which serious capacity limitations have been imposed upon U.S. carriers. Because of this latter factor, Pan American will be unable to benefit significantly, if at all, even were such drastically reduced group fares to prove generative.

In response to Pan American's complaint, PAL alleges that the subject tariffs were filed on the initiative of Northwest; the fares are generative and have provided additional revenues to Northwest; the alleged prejudice to Pan American can be completely cured by its subscription to these fares; Pan American would benefit from the influx of new business and the fares would be economic. Finally, PAL states that the Homecoming program is one of national importance to the Philippines, and the Philippine Government and the Board must take into consideration any applicable requirements of foreign countries and weigh such requirements in the balance.

Although PAL indicates that the fares complained against may be superficially discriminatory, it alleges that the advantages lie more in the absence of restrictive conditions and limitations than in the level. The fares at issue are alleged to be far less discriminatory than the military dependents' fares to Manila, which are less than the fares at issue and

²Similar fares have been in effect since November 28, 1973, at somewhat lower levels, and are presently marked to expire on February 28, 1974. The Board did not take any action against the fares due to their very limited duration and application limited to the low season.

available under more favorable conditions of travel. The transpacific fares for dependents of U.S. military personnel are in furtherance of the government policy of the United States in the same fashion that the Homecoming fares are in support of the Philippine national policy of promoting home visits by its citizens. Northwest has not submitted an answer to Pan America's complaint.

Upon consideration of the tariffs, the complaint, the answer, and all relevant factors, the Board finds that the fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial and should be suspended pending investigation. The limitation on availability of the fares to U.S. residents/citizens of Philippine origin or background raises a clear question of discrimination against other United States residents not eligible for the fares. On the other hand, the concept of special discounted fares for the military and their dependents has been tested on various occasions by the Board and the courts and has not been found to constitute an unjust discrimination. In any event, it may be noted that the cited military fares are presently under investigation in Military Overseas Fares, Docket 25904.

In view of the fact that our action herein rests on the issue of prima facie unjust discrimination, we need not reach the question of reasonableness of the fares. This issue, however, will be included in the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on the tariff pages specified in the Appendix and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions on the tariff pages specified in the Appendix⁴ are suspended and their use deferred to and including March 15, 1975 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President⁵ and shall be come effective March 16, 1974;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon

Philippine Air Lines, Inc., China Airlines, Ltd., Pan American World Airways, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 74-6434 Filed 3-19-74; 8:45 am]

[Docket 25881]

AMERICAN AIRLINES, INC. AND HUGHES AIR CORP.

Notice of Hearing

In the matter of American Airlines, Inc. and Hughes Air Corp. d/b/a Hughes Airwest Route Exchange Agreement.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on April 2, 1974, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 14, 1974.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 74-6435 Filed 3-19-74; 8:45 am]

[Docket 26238; Order 74-2-118]

AIRLINES PARTICIPATING IN AIR EXPRESS SERVICE

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1974.

Petition of Airlines participating in air express service for authorization of inter-carrier discussions concerning the creation of industry-wide priority cargo service.

In Order 73-12-36, adopted December 7, 1973, the Board decided the Express Service Investigation, Docket 22388. The Board found, inter alia, that the certificated air carriers providing scheduled interstate and overseas air transportation are under an obligation to offer priority service, under tariffs so providing, as part of their duty to provide adequate interstate and overseas air transportation.¹ The Board recognized that some inter-airline coordination would be necessary and, accordingly, stated its receptivity to requests for inter-carrier discussions about the provision of highly expedited priority cargo service.²

The airlines participating in the present air express service have now filed a petition requesting Board authoriza-

tion for such discussions.³ The petition asks for authorization to enter into inter-carrier discussions concerning the creation of an industry-wide priority cargo service. It says these discussions would principally concern operational problems involved in the interlining of priority cargo traffic. The division of rates between interlining carriers, and the tariff structure with respect to the size and weight of shipments and types of commodities would be considered and discussed, but rate levels would not be discussed in the initial phases of these meetings.

The petition says that the presence of observers from the Board or other governmental agencies at the meetings would not be objected to, but that there does not appear to be any necessity for shipper representatives to be present at these meetings. The petition also asserts that air express service may terminate in the immediate future, and that in order to avoid a lapse in priority cargo service it is requested that the airlines be authorized to meet at the earliest date possible, and that the Board issue the discussion authorization without allowing the usual time for replies to the petition.⁴

Responses to this petition have been received from the Air Freight Forwarders Association (AFFA), the Society of American Florists (SAF), the Pet Industry Parties (PIP),⁵ the National Air Transportation Conferences, Inc. (NATC),⁶ and REA Express, Inc. (REA).

AFFA requests that it be given the opportunity to participate in the requested discussions because of the nature of the subjects to be discussed and the air freight forwarders' interest and concern with those subjects. It contends that air freight forwarders can be expected to be the major users and marketers of the highly expedited service that the airlines will discuss. AFFA says that there will have to be substantial cooperation between air freight forwarders and the airlines in the planning as well as the use of the new expedited service, and that this can only be accomplished by its participation in, not merely observance of, the discussions.

SAF also asks for participation in the discussions. It says that florists have a vital interest in future space alloca-

¹ These airlines are Air Canada, Airlift International, Alaska, Allegheny, American, Aspen, Braniff, Air France, Continental, Delta, Eastern, Flying Tiger, Frontier, Hughes Airwest, National, New York Airways, North Central, Northwest, Ozark, Pan American, Piedmont, SFO Helicopter Airlines, Seaboard World, Southern, Texas International, Trans World, United, and Western.

² Since replies have already been received within the usual time, this request need not be considered.

³ PIP consists of two corporations and twenty membership organizations whose members market live animals and related supplies throughout the world utilizing air transportation services.

⁴ NATC is a trade association of Part 298 commuter air carriers and air taxi operators.

⁴ Filed as part of the original document.

⁵ This order was submitted to the President on March 4, 1974.

¹ Order 73-12-36, at page 41, finding number 6.

² Id., at page 39.

tions and priorities and that airline discussions without shipper impact would be nonproductive.

PIP supports the petition provided that interested shipper parties be permitted to participate in all inter-carrier discussions concerning the creation of priority air cargo service. They say the substitution of priority service by the airlines for air express service and the details of the new service will have a direct effect on the continued usage of air transportation by live animal shippers and that PIP should, therefore, be allowed to participate with the airlines in the creation of the new service.

NATC supports the petition if conditioned by a requirement that NATC representatives be authorized to participate in the discussions. It argues that the interest of NATC and individual Part 298 carriers as transporters of increasing quantities of cargo, an estimated 80 percent of which is interlined with certificated air carriers, necessitates that they be participants in these discussions. NATC says that relationships between Part 298 air carriers and certificated air carriers can be coordinated and problems resolved most effectively at these discussions, and that its participation will not complicate or otherwise adversely affect or delay the course of the discussions.

REA moves that the petition be rejected as improperly filed in Docket 26238, or in the alternative, that it be consolidated with the Express Service Investigation. It argues that since the new priority service to be discussed is a condition precedent to the termination of air express and since the requested discussions would implement Order 73-12-36, a request for discussion authorization can only properly be considered in the Express Service case. Alternatively, REA moves to consolidate the petition with that case so that the Board can determine whether the plan for priority service developed by the airlines is adequate on the basis of the record in Express Service and is implemented to provide a reasonable transition from air express. REA incorporates by reference its petition for reconsideration of Order 73-12-36, wherein it alleges that the Board does not yet know if the new priority service will provide an adequate replacement for air express service, and says that the airlines should be directed to submit their plans by March 1, 1974. REA also says that shippers should be permitted to participate in or observe the inter-carrier discussions.⁷

REA's motions will be denied. The petition herein results from the decision of the Board in the Express Service Investigation, but there is no reason why it must

⁷ The petitioners answered REA's motions, arguing that their petition should not be considered as part of the Express Service case and that Order 73-12-36 does not make the establishment by the airlines of a priority cargo service a condition precedent to the effectiveness of that order. Emery Air Freight Corporation has also filed an answer, opposing REA's motions for similar reasons.

or should be considered only in the context of that proceeding. The requested discussions will consider the formulation of a new type of service which the Board has found certificated scheduled air carriers under an obligation to provide. The Board can monitor the progress of the discussions sought herein while it considers REA's petition for reconsideration and any other matters in the Express Service Investigation, without placing both in the same docket or consolidating them.

For the reasons stated in the Express Service Investigation order, the requested discussion authorization will be granted, excluding the discussion of rate level, structure and division matters.⁸ We are authorizing discussion of types of commodities to the extent that operational questions, such as interline handling of extraordinary items, may be involved. It is our view that an industry-wide priority service should be available for all commodities now carried in air express.

Since the actual airport-to-airport movement of priority freight would be effected by the certificated scheduled carriers, they shall be the "participants" in the discussions. However, we recognize the importance of the roles of air freight forwarders and air taxi operators in the movement of air cargo, and we feel that in addition to being allowed to observe the discussions, they and other interested persons shall be allowed to make oral presentations to the discussants. We leave to the discussants the formulation of rules for such oral comments, e.g. whether ad hoc comments from the floor will be allowed or whether more formal presentations will be preferred. However, we will expect the filing of such ground rules and an agenda of each non-continuous meeting to be filed in this Docket no later than 7 calendar days prior to the holding of such meeting; and a copy of such filing will be required to be served on the present parties to this proceeding and any other persons who previously have made request for such service to counsel for the instant air carrier petitioners.⁹

Finally, we wish to note the pendency of the Petition of the Humane Society in Docket 26244 pertaining to the establishment of a priority air freight service

⁸ The exclusion of rate matters from the discussion authorization is based on the applicants' statements that they do not intend to discuss rates in the initial phases of their meetings, and our conclusion that such discussion would not be necessary at this time. If an expansion of this authorization is deemed necessary at a later time, the airlines can submit an application, and supporting arguments therefor, then.

⁹ Expansion of the "participant" status might unduly complicate the discussions, and is not necessary. The interests of those parties who have expressed interest in these discussions will be adequately served by the procedures described herein, including their rights to comment on any agreement resulting from these discussions (see 14 CFR 302.1608), and, of course, their rights to informally express their views to the airlines at any time, which rights are not in any way derogated by this order.

for live animals. We do not rule on that petition at this time. But we do believe that the relief sought therein is relevant to the instant petition insofar as it pertains to the genre of topics to be discussed. Therefore, in the discussions authorized by this order, we shall allow the carriers to consider the degree of priority, if any, which live animals should be given when shipped in the agreed-upon priority service.

The participants in these discussions will be required to submit any agreement or agreements resulting from these discussions for Board approval and such agreement or agreements shall not become effective unless and until approved by the Board. This will enable all interested persons to submit comments to the Board, in accordance with Subpart P of the Board's rules of practice (14 CFR 302.1601 through 302.1608), in support of or in opposition to Board approval of any proposed agreement.

Accordingly, it is ordered That:

1. The petition herein for authorization of inter-carrier discussions concerning the creation of industry-wide priority air cargo service be and it hereby is granted, subject to the following conditions:

(a) All air carriers and foreign air carriers presently participating in air express service shall be permitted to participate in each of these discussion meetings;

(b) These discussions shall not include the subjects of rate level, structure, or division: *Provided*, That they may consider types of commodities, if such consideration is limited to operational matters, such as the interline handling of extraordinary items: *And provided further*, That the discussions may consider the degree of priority, if any, which live animals should be given when shipped in any new priority service;

(c) These discussions shall take place in Washington, D.C., at a date, time, and place determined by the participants;

(d) Representatives of the Board, any other governmental body, and any other interested person shall be permitted to attend each of these discussion meetings as observers;

(e) Notices, agenda, and ground rules for the oral expression by interested persons of views to the participants pertaining to each noncontinuous meeting authorized herein shall be sent (1) to all carriers eligible to participate in these discussions, (2) to the Board's Docket Section, (3) to all persons who responded to the petition herein; and (4) to all other persons who so request; such items shall be filed with the Board and sent not later than seven calendar days before each meeting;

(f) Complete and detailed minutes of these discussions shall be maintained by the participants, and such minutes shall be filed with the Board's Docket Section and shall also be sent to all other persons who so request, within five business days from the date of each meeting;

(g) Any agreement or agreements reached as a result of the discussions authorized herein shall be filed with the

Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's economic Regulations (14 CFR 261) and Subpart P of the Board's Rules of Practice (14 CFR 302.1601 through 302.1608), and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act;

(h) The authorization granted herein shall expire after July 31, 1974; and

(i) The authorization granted herein may be extended, modified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 CFR 385).

2. Except to the extent granted herein, all other motions and requests for relief in this docket be and they hereby are denied.

This order shall be served on all certificated scheduled air carriers and on all parties to the Express Service Investigation, Docket 22388, and on the United States Departments of Commerce, Defense, Transportation and Justice and the United States Postal Service. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-6565 Filed 3-19-74; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MARCH 14, 1974.

On April 30, 1973, there was published in the FEDERAL REGISTER (38 FR 10666), a letter dated April 25, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Mexico and exported to the United States during the twelve-month period beginning May 1, 1973. That letter was amended on November 15, 1973 (38 FR 32527). As set forth in the letter of April 25, 1973, the levels of restraint are subject to adjustment pursuant to paragraph 8(a) of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of Mexico and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of March 14, 1974 from the

Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the levels of restraint applicable to cotton textile products in Category 22/23 and Category 26/27 and part of 64 (knit fabrics) for the twelve-month period which began on May 1, 1973.

ALAN POLANSKY,
Acting Chairman, Committee
for the Implementation of
Textile Agreements, and Acting
Deputy Assistant Secretary
for Resources and Trade
Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 14, 1974.

DEAR MR. COMMISSIONER: On April 25, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning May 1, 1973, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, in excess of designated levels of restraint. These levels were amended by the directive of November 15, 1973. The Chairman also advised you that the levels of restraint are subject to adjustment.¹

Pursuant to paragraph 8(a) of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed further to increase, effective as soon as possible, the levels of restraint, as amended, established in the directive of November 15, 1973 for Category 22/23 by 643,781 square yards and Category 26/27 and part of 64 (knit fabrics) by 899,062 square yards. The level of restraint for Categories 5-27 and part of 64 should also be increased to 1,542,843 square yards.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee
for the Implementation of Textile
Agreements, and Acting Deputy
Assistant Secretary for Resources
and Trade Assistance.

[FR Doc.74-6437 Filed 3-19-74; 8:45 am]

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MARCH 14, 1974.

On January 2, 1974, there was published in the FEDERAL REGISTER (39 FR 28) a letter dated December 27, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, authorizing increases in the levels of restraint applicable to certain specified categories from a number of countries pursuant to an ad hoc offer by the United States Government to each of its cotton textile bilateral agreement partners to permit export to the United States of additional quantities of cotton yarn and/or cotton fabric, not to exceed in total amount five (5) percent of the country's current-year aggregate agreement ceiling. Among the categories and yardages indicated was a request for 1,407,763 square yards to be applied to Category 26/27 and part of 64 from Mexico. That notation should have read as follows:

Country	Category	Additional amount
Mexico.....	26/27 and part of 64 (knit fabrics).	1,407,763 square yards of which not more than 1,000,000 square yards shall be in Category 26 (duck).

Accordingly, there is published below a letter of March 14, 1974, from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of December 27, 1973, to account for this adjustment. This directive was previously amended on January 18, 1974 (39 FR 2795).

ALAN POLANSKY,
Acting Chairman, Committee
for the Implementation of Textile
Agreements, and Acting Deputy
Assistant Secretary for
Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 14, 1974.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on December 27, 1973, by the Chairman of the Committee for the Implementation of Textile Agreements pursuant to an offer by the United States Government to all bilateral cotton textile agreement partners to export on a one-time basis additional cotton yarn and/or fabric, not to exceed in total amount five percent of the current-year aggregate agreement ceiling of each country. The directive of December 27, 1973, was previously amended on January 18, 1974.

Paragraph 2 of the directive of December 27, 1973, is hereby amended to change the entry for Category 26/27 and Part of 64 from Mexico to read as follows:

Country	Category	Additional amount
Mexico.....	26/27 and part of 64 (knit fabrics).	1,407,763 square yards of which not more than 1,000,000 square yards shall be in Category 26 (duck). ²

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee
for the Implementation of
Textile Agreements, and Acting
Deputy Assistant Secretary
for Resources and Trade
Assistance.

[FR Doc. 74-6436 Filed 3-19-74; 8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SE- VERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following services to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICES

INDUSTRIAL CLASS 0762

Grounds Maintenance
U.S. Courthouse and Federal Building
Rapid City, South Dakota

Janitorial/Custodial
U.S. Courthouse and Federal Building
Rapid City, South Dakota

INDUSTRIAL CLASS 7349

Comments and views regarding these proposed additions may be filed with the Committee not later on or before April 19, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc. 74-6392 Filed 3-19-74; 8:45 am]

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038), was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2397).

Pursuant to the above notice the following commodity is added to Procurement List 1974.

COMMODITY

Class 8440:

Neckties, Men's (IB):	Price
8440-216-6130 -----each--	\$0.92
8440-316-2519 -----do-----	.92

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc. 74-6390 Filed 3-19-74; 8:45 am]

PROCUREMENT LIST 1974

Proposed Addition

Notice is hereby given pursuant to section 2(a) (2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 7349

Quarters Cleaning
Fort Ord, California

Comments and views regarding this proposed addition may be filed with the Committee not later than April 19, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc. 74-6391 Filed 3-19-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/26]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection

Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 20, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under Section 3(c) (1) (D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held on or before May 20, 1974, before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received on or before May 20, 1974, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 20, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 11556-34. Chemagro Division of Baychem Corporation, Animal Health Department, P.O. Box 2037, Shawnee Mission, Kansas 66201. "Tiguvon Brand of fenthion Animal Insecticide Pour-On. Active Ingredients: fenthion (O,O-Dimethyl O-[4-(methylthio)-m-tolyl] phosphorothioate) 3 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11760-R. Edsan Chemical Co., Inc., 438 East St., New Haven, Connecticut 06511. "Edsan QA Disinfectant-Cleaner - Sanitizer-Fungicide-Deodorant." Active Ingredients: n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 5.0 percent; Tetrasodium salt of ethylene tetraacetic acid 2.3 percent; Sodium carbonate 2.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11760-E. Edsan Chemical Co., Inc., 438 East St., New Haven, Connecticut 06511. "Edsan Triple-D Disinfectant-Detergent-Deodorant." Active Ingredients: n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 4.8 percent; Sodium carbonate 3.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5967-RNA. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. "Moyer Copper Sulfate." Active Ingredients: Copper expressed as elemental 53.00 percent. Method of Support:

Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RNT. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. CuZn Dust No. 20. Active Ingredients: Copper expressed as elemental 3.8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: March 13, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-6156 Filed 3-19-74;8:45 am]

MONTANA; CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing and Request for Approval of State Program

A public hearing to consider the request of the State of Montana for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376 (Supp. 1973) (hereinafter, the Act) will be held on Saturday, April 20, 1974 at 9:30 a.m. in the Highway Department Auditorium at 6th and Roberts Streets, Helena, Montana.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402 (b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to insure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published at 37 FR 28390, December 22, 1972 (40 CFR Part 124).

The State of Montana has submitted a full and complete Request for State Program Approval and proposes that the Department of Health and Environmen-

tal Sciences, Cogswell Building, Helena, Montana 59601, operate the NPDES program.

Governor Judge's request and the program description is available for inspection at the following locations:

(1) U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(2) Montana Department of Health and Environmental Services, Water Quality Bureau, Board of Health Building, Helena, Montana 59601.

(3) Montana Department of Health and Environmental Services, Water Quality Bureau, 3302 Second Avenue North, Billings, Montana 59101.

(4) Montana Department of Health and Environmental Sciences, Water Quality Bureau, M & M Building, 540 Sixth Avenue East, Kalispell, Montana 59901.

(5) Missoula City-County Health Department, Courthouse Annex, Room 301, Missoula, Montana 59801.

(6) City-County Health Department, 1130 Seventeenth Avenue South, Great Falls, Montana 59405.

The public hearing panel will consist of the Administrator or his representative who will serve as the Presiding Officer, the Director of the Montana Department of Health and Environmental Sciences or his representative, and the Regional Administrator, Region VIII, or his representative.

All interested persons wishing to attend, to comment upon, or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by April 29, 1974, either in person or by mail to the Regional Office of the U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. Attention: David Robbins.

Oral statements will be received and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments or objections received by April 29, 1974, or presented at the public hearing will be considered by EPA before taking final action on the Montana request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

Dated: March 15, 1974.

ALAN G. KIRK II,
Assistant Administrator for
Enforcement and General Counsel.

[FR Doc.74-6376 Filed 3-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-238]

ANNUAL PERFORMANCE TESTS

Acceptable Testing Procedures

MARCH 3, 1974.

The Commission, in its February, 1972, Cable Television Report & Order, called for annual performance tests directed at determining the extent to which cable systems were complying with its technical standards. The rules that were then adopted also stated methods for testing compliance and afforded flexibility for alternative methods. We adopted a flexible approach to determining system performance and, as the rules indicate, alternative test procedures which could be fully justified would be permitted. However, at the same time, we stated that the procedures for determining compliance with our radiation standards outlined in the rules, should be followed strictly or, if special circumstances necessitate divergence from established procedures, the alternate procedures should be thoroughly justified. The procedure for measuring radiation is that which has been embodied for years in Part 15 of the rules and is now reflected in Part 76 of the rules. The tests are to be performed by March 31, 1974.

Recent work, as yet incomplete, has indicated that alternative testing methods may be available which show sufficient sensitivity to demonstrate compliance with Commission standards. One procedure being investigated would test for radiation by use of a mobile facility with an antenna and standard television receiver for visual detection. Different procedures apparently may be necessary depending on the size and location of the system (e.g., underground or aerial cable, apartment houses, etc.). A more flexible approach on our part allowing these alternative procedures to be developed may better accomplish our objectives.

Accordingly, with reference to the tests to be performed by March 31, 1974, the Commission is of the view that fully justified alternative methods of detection and testing for radiation should be encouraged, the alternative methods to be measured against the prescribed method to determine adequacy. We anticipate that the data engendered by the alternative tests will be of significant assistance to the Cable Technical Advisory Committee (CTAC) in evaluating appropriate test procedures.

Action by the Commission March 7, 1974. Commissioners Burch (Chairman), Lee, Reid and Wiley with Commissioner Hooks concurring.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6399 Filed 3-19-74;8:45 am]

[Docket No. 19787; Filed No. BL-13 137]

**CHESAPEAKE-PORTSMOUTH
BROADCASTING CORP.****Memorandum Opinion and Order Enlarging
Issues**

In re application of Chesapeake-Portsmouth Broadcasting Corporation, Portsmouth, Virginia, for broadcast license for WPMH(AM).

1. The Commission designated the application of Chesapeake-Portsmouth Broadcasting Corporation (Chesapeake-Portsmouth) for a broadcast license for Station WPMH(AM),¹ Portsmouth, Virginia, for hearing by Order and Notice of Apparent Liability, FCC 73-748, released July 25, 1973, on numerous issues including an adequate supervision and control issue.² Presently before the Review Board is the Broadcast Bureau's request for enlargement of issues, filed December 10, 1973, which seeks issues to determine whether Chesapeake-Portsmouth violated rule 73.93 and section 318 of the Communications Act by allowing an unlicensed employee to operate its transmitter and whether it violated rule 73.113 by sanctioning improper logging practices.³

2. In support of both requested issues, the Bureau submits the affidavit of Larry V. Bashford, a former WPMH(AM) employee. Bashford, in his affidavit, avers that, in September, 1971, he was asked by Jack Walters, WPMH(AM)'s station manager, to man the station's transmitter and make periodic meter readings. Bashford states that although he informed Walters that he was not a licensed engineer, Walters assured him that he would be under the supervision of the station's engineer, Ralph D. Epperson.⁴ Bashford alleges that Epperson gave him "brief instructions" to perform, inter alia, the following tasks: (1) The making of periodic readings and entering them on an "unofficial log"; (2) The making of necessary adjustments on the dials if the signals and other electrical data "drifted from the norm"; and (3) The playing of the station's call letters. Furthermore,

¹ The construction permit under which Chesapeake-Portsmouth filed its present application for license was granted November 18, 1971. The application for license was filed on December 8, 1971. Station WPMH(AM) began operation in January, 1972, under program test authority.

² The issue seeks:

(a) To determine whether the applicant has exercised adequate control and supervision over the policies, practices and other operation of Station WPMH consistent with the degree of responsibility expected of a permittee.

³ Also before the Review Board are the following related pleadings: (a) opposition, filed January 3, 1974, by Chesapeake-Portsmouth; (b) motion for extension of time and acceptance of late filing, filed January 3, 1974, by Chesapeake-Portsmouth; (c) Broadcast Bureau's reply, filed January 15, 1974; and (d) request for acceptance of additional pleading and response, filed January 28, 1974, by Chesapeake-Portsmouth.

⁴ Epperson is president and 25 percent stockholder of the permittee.

Bashford claims, Epperson transferred his figures from the "unofficial" to the official log and signed the log, and Epperson also made changes in his figures "every day as they did not sound right." Also, Bashford states that on some mornings he activated the transmitter but more frequently he deactivated it at the end of the day. Finally, Bashford avers, after the first day, he was left substantially on his own. Based on the above allegations, the Bureau argues that Chesapeake-Portsmouth has violated section 318 of the Act and Commission rules 73.93 and 73.113, which clearly preclude the above enumerated activities by a non-licensed radio operator; therefore, the Bureau urges, the requested issues are warranted. The Bureau further requests the Board to make it "explicit" that the questions raised by the requests are also relevant to the "permittee responsibility issue."⁵ Finally, the Bureau submits that it is filing its request as soon as possible following receipt of Bashford's affidavit on November 16, 1973.

3. In opposition,⁶ Chesapeake-Portsmouth argues that the Bureau has not presented any persuasive arguments that good cause exists for granting its late filed pleading. The designation Order was released some five months prior to the Bureau's receipt of Bashford's affidavit on November 16, 1973; yet the Bureau does not set forth any reasons why it could not obtain the affidavit during this period, Chesapeake-Portsmouth argues. Furthermore, Chesapeake-Portsmouth alleges, almost one year elapsed between the time the Commission conducted its investigation of the station in August, 1972, and the release of the designation Order, but the Commission did not deem it appropriate to include the matters raised in Bashford's affidavit in the designation Order. Finally, Chesapeake-Portsmouth asserts that "the attempt to add this issue at this time violates the due process safeguards already provided by the Commission in this proceeding." In support of this assertion, Chesapeake-Portsmouth states that the Commission specified a forfeiture provision in this proceeding in order to provide "flexibility" in the sanctions the Commission can impose. If the Bureau's requested issues are added, Chesapeake-Portsmouth alleges, this flexibility is removed because the events alleged by the Bureau took place over two years ago, prior to the running of the one-year statute of limitations for the imposition of forfeitures provided by section 503(b) (3) of the Communications Act of 1934, as amended. Consequently, Chesapeake-Portsmouth concludes, if all issues designated against it were resolved in its favor except for these requested issues, the only remedy open to the Administrative Law Judge would be denial of its application.

⁵ See note 2, *supra*.

⁶ Chesapeake-Portsmouth filed, on January 3, 1973, a motion for extension of time and acceptance of its late filed opposition. There is no opposition to the motion; therefore, the Board will grant it and consider the pleading.

4. In reply, the Bureau argues that "good cause" under Rule 1.229(b) does exist for the Board's consideration of its late filed pleading. The allegations the Bureau raises first came to its attention when Bashford, sua sponte, telephoned the Commission's Norfolk District Office on October 29, 1973, the Bureau explains. On October 30, the Bureau states, it contacted Bashford and requested the affidavit attached to the instant request. The Bureau concludes that it acted as quickly as possible after receipt of Bashford's affidavit in filing its request.

5. Initially the Board finds that the Broadcast Bureau has demonstrated good cause to justify the late filing of its request. It is apparent that the Bureau acted as expeditiously as possible in filing its request after first learning from Bashford of the underlying events. Therefore, the Board will accept its petition. The Board cannot accept Chesapeake-Portsmouth's argument that because forfeiture cannot be imposed due to the one-year statute of limitations (section 503(b) (3) of the Communications Act), the Board should not add the requested issues. The presence or absence of a forfeiture provision does not preclude the Board from considering the potentially disqualifying aspects of an applicant's conduct, including alleged rule violations. See *The Court House Broadcasting Company*, 21 FCC 2d 792, 18 RR 2d 616 (1970), and *United Television Company, Inc.*, 23 FCC 2d 493, 19 RR 2d 86 (1970). In fact in no case would forfeiture be imposed as a lesser penalty in a situation warranting denial; thus, the absence of forfeiture as a sanction could in fact inure to the applicant's benefit since one possible sanction is removed.⁷ See *Belk Broadcasting Company*, 29 FCC 2d 150, 21 RR 2d 1971. Turning to the merits,⁸ the Board is of the opinion that the Bureau's allegations raise sufficient questions of fact to warrant addition of the requested issues. Chesapeake-Portsmouth has not presented any arguments or circumstances to rebut the allegations set forth in Bashford's affidavit and the arguments made by the Bureau in its request. Consequently, the Board believes the issues in this proceeding should be enlarged to encompass the requested rules 73.93 and 73.113 issues. See *Harvit Broadcasting Corporation*, 31 FCC 2d 876, 22 RR 2d 1062 (1971); and *Glen West*, 31 FCC 2d 803, 19 RR 2d 1131 (1970). Furthermore, we agree with the Bureau that evidence adduced under these issues may have relevance to the adequate supervision

⁷ Nor do we agree with the applicant's contention that if all the issues, except those requested herein, were resolved in the applicant's favor, the Commission would still be compelled to deny the license. The violations would warrant denials only if all the circumstances established that the applicant does not possess the qualifications necessary to be a Commission licensee.

⁸ Chesapeake-Portsmouth's response to the Bureau's reply is an unauthorized pleading under our Rules. Accordingly, it is rejected. See rule 1.45(c).

and control issue and may accordingly be considered thereunder.

6. Accordingly, it is ordered, That the motion for extension of time and acceptance of late filing, filed January 3, 1974, by Chesapeake-Portsmouth Broadcasting Corporation, is granted, and opposition, filed January 3, 1974, by Chesapeake-Portsmouth Broadcasting Corporation is accepted; and

7. It is further ordered, That the request for acceptance of additional pleading and applicant's response to Broadcast Bureau's reply, filed January 28, 1974, by Chesapeake-Portsmouth, is denied; and

8. It is further ordered, That the Broadcast Bureau's request for enlargement of issues, filed December 10, 1973, is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether maintenance on and adjustment of the transmitter of WPMH(AM) have been undertaken by unauthorized personnel in violation of § 73.93 of the rules;

(b) To determine whether an unlicensed employee made log entries and whether revisions were made in recorded

log entries by one who did not make the original entries in violation of § 73.113 of the rules.

9. It is further ordered, That the burden of proceeding with the introduction of evidence under the added issues shall be on the Broadcast Bureau, and the burden of proof shall be on Chesapeake-Portsmouth Broadcasting Corporation.

Adopted: March 6, 1974.

Released: March 11, 1974.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6401 Filed 3-19-74; 8:45 am]

PANEL 3—CTAC COMMITTEE

Notice of Meeting

MARCH 12, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Panel 3 Committee of the Cable Television Technical Advisory Committee on Thursday, April 4, 1974, to be held at the Corporation for Public Broadcasting, 888

16th Street, NW., Washington, D.C., beginning at 10 a.m.

(1) Review of Technical Note Draft Revisions

- a. Direct Pickup
- b. Adjacent Channel Rejection
- c. Oscillator Voltage; Spurious Responses
- d. Economics of Tuners
- e. Deflection and Color Sync

(2) Identification of Missing and Deficient Data Required for the above Technical Notes

(3) Liaison Reports from Other Committees

- (4) Task Assignments and Scheduling
- (5) Other Business

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC, 1919 M Street, NW., Washington, D.C., 20554. Telephone No. 202-632-6468.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6400 Filed 3-19-74; 8:45 am]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 319.

FEBRUARY 18, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
(New).....	Sudbury, Ontario, N. 46°26'00", W. 80°55'55".	620 kHz 10D/5N	DA-1	U	III	.....	.....	.....	E.I.O. 2-18-75.
CHIR (increase in power— PO 730 kHz, 0.25, DA-N).	Leamington, Ontario, N. 42°00'30", W. 82°33'40".	730 kHz 0.5	DA-N	N	II	.....	.....	.....	E.I.O. 2-18-75.
CFOL (change of frequency— PO 620 kHz, 10D/5N, DA-2).	Timmins, Ontario, N. 48°26'50", W. 81°23'08".	850 kHz 10	DA-N	U	II	.....	.....	.....	E.I.O. 2-18-75.
CJCJ (increase in day-time power—PO 920 kHz, 1 Kw, DA-1).	Woodstock, New Brunswick, N. 46°07'30", W. 67°35'10".	920 kHz 10D/1N	DA-2	U	III	.....	.....	.....	E.I.O. 2-18-75.
CJMR (assignment of call letters).	Mississauga, Ontario, N. 43°26'10", W. 79°43'06".	1190 kHz 10	DA-D	D	II	.....	.....	.....	.....
CHVD (now in operation)...	Dolbeau, Province of Quebec, N. 48°51'48", W. 72°15'06".	1230 kHz 10D/0.25N	ND-190	U	IV	190	120	320	.....
CFEK (now in operation)...	Fernie, British Columbia, N. 49°31'36", W. 115°02'40".	1240 kHz 1D/0.5N	DA-1	U	IV	.....	.....	.....	.....
(New).....	Mackenzie, British Columbia, N. 55°20'48", W. 123°08'54".	1240 kHz 1D/0.25N	ND-182	U	IV	150	120	318	E.I.O. 2-18-75.
(New).....	Ste. Marie de Beauce, Province of Quebec, N. 46°24'00", W. 70°58'12".	1360 kHz 10D/5N	DA-2	U	III	.....	.....	.....	E.I.O. 2-18-75.
(New).....	Taber, Alberta, N. 49°45'38", W. 112°16'10".	1570 kHz 5	DA-N	U	II	.....	.....	.....	E.I.O. 2-18-75.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-6398 Filed 3-19-74; 8:45 am]

**FEDERAL MARITIME COMMISSION
IBERIAN/U.S. NORTH ATLANTIC
WESTBOUND FREIGHT CONFERENCE**

Modification of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 9, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9615-10, among the member lines of the above named conference, changes the method of selecting the conference Chairman; establishes the office of Vice Chairman; provides for a Housekeeping Committee, a Spanish Central Committee, a Portuguese Central Committee, a New York Committee, an Inland Committee and Local Port Committees to deal with the aspects of conference business implied by their titles but without authority to make decisions; divides meetings into Owners' and Principals' categories and sets forth rules and voting procedures governing telephone, telex and correspondence polls of members.

By order of the Federal Maritime Commission.

Dated: March 14, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6439 Filed 3-19-74; 8:45 am]

**SEA-LAND SERVICE, INC. AND CHINESE
MARITIME TRANSPORT, LTD.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 9, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gerald A. Malla, Esquire
Ragan & Mason
The Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006

Agreement No. T-2719-1, between Sea-Land Service, Inc. (Sea-Land) and Chinese Maritime Transport, Ltd. (CMT) modifies the parties' basic agreement providing for the joint use of Number 66 Wharf, Kaohsiung, Taiwan, by both parties. The purpose of the modification is to delete all references to CMT's identity as agent for Orient Overseas Line, Inc. and Orient Overseas Line, Ltd. and provisions in the agreement providing for third-party use and assignment of the facility. Filed along with Agreement No. T-2719-1 is a guaranty by Orient Overseas Line, Inc. guaranteeing the performance by CMT of its obligations under the agreement.

By order of the Federal Maritime Commission.

Dated: March 15, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6438 Filed 3-19-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-8817, etc.]

**ABANDONMENTS OF SERVICE AND
TERMINATIONS OF SALES**

Certain Companies

MARCH 12, 1974.

Each Applicant herein has filed pursuant to section 7(b) of the Natural Gas Act an application for permission and approval to abandon service or a petition to amend an order issuing a certificate of public convenience and necessity by deleting therefrom authorization to sell natural gas from certain acreage, all as more fully set forth in the tabulation and in the applications and petitions to amend in this proceeding.

Some applicants have on file with the Commission FPC gas rate schedules and others are making sales under small producer certificates. In cases where Applicants propose to abandon service completely and have rate schedules, the certificates authorizing such sales will be terminated and the related rate schedules.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications or petitions has been filed.

At a hearing held on March 6, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(4) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates, other than small producer certificates, heretofore issued to Applicants relating to the complete abandonments hereinafter permitted and approved should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Permission for and approval of the abandonments of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation herein, are granted.

(B) The orders issuing certificates of public convenience and necessity in various dockets are amended by deleting therefrom authorization to sell natural gas as more fully described in the petitions to amend and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(C) The certificates issued in the following dockets which are related to the abandonment authorizations granted herein are terminated and the related rate schedules are cancelled:

Abandonment authorization	Terminated certificate
CI70-652	CI70-652. ¹
CI73-463	CI72-49.
CI73-535	G-2585.
CI73-636	G-18058.
CI73-753	G-13335.
CI74-171	G-5325.
CI74-179	CI63-1475.
CI74-192	CI64-3.
CI74-193	G-6664.
CI74-201	G-14142.
CI74-202	CI61-230.
CI74-203	CI62-407.
CI74-211	G-15159.
CI74-216	CI72-121.
CI74-243	G-13633. ²
CI74-267	CI60-206.
CI74-305	CI64-1412.
CI74-308	G-11864.
CI74-315	G-2657.
CI74-335	G-11823.
CI74-338	CI73-288.
CI74-343	G-17401.

¹ Temporary certificate.

² Certificate terminated only with respect to sales under Pennzoil Producing Company FPC Gas Rate Schedule No. 149.

(D) Applicant in Docket No. CI74-243 is not relieved of any refund obligations related to the Commission's Opinion No. 682 issued January 11, 1974, in Docket No. RP70-13 as a result of the abandonment permitted and approved herein.

(E) Applicant in Docket No. CI73-636 is not relieved of any refund obligations in Docket No. G-18058 as a result of the abandonment permitted and approved herein.

(F) The rate schedule supplements related to the authorizations granted herein are accepted for filing, all as more fully set forth in the tabulation herein.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document ¹	No.	Supp.
G-8817 D, 9-10-73	The California Co., a division of Chevron Oil Co. (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc. Cut Off and Dixon Bay Fields, Lafourche and Plaquemines Parishes, La.	Notice of partial cancellation. 9-8-73	4	56
G-12654 D, 11-16-73	Mobil Oil Corp.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	Notice of partial cancellation. 11-14-73 ¹	120	14
CI70-652 B, 11-26-73	Petroleum, Inc. (Operator) et al.	Transwestern Pipeline Co., Ivanhoe Field, Beaver County, Okla.	Notice of cancellation 11-20-73. ^{2,3}	62	5
CI73-463 B, 12-29-73	Perry R. Bass	Steeple Oil & Gas Corp., John Schneider Gas Unit, Bee County, Tex.	Notice of cancellation (Undated). ³	24	2
CI73-535 B, 2-12-73	Gulf Oil Corp.	Montana-Dakota Utilities Co., acreage in Big Horn and Washakie Counties, Wyo.	Notice of cancellation. 2-8-73. ^{2,3}	211	11
CI73-636 B, 3-23-73	Alamo Petroleum Co. ⁴	Transcontinental Gas Pipe Line Corp., Raceland Field, Lafourche Parish, La.	Notice of cancellation. ^{2,3}	* 1	4
CI73-753 B, 5-3-73	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Notice of cancellation. 5-1-73. ²	291	9
CI74-171 B, 9-10-73	Skelly Oil Co.	Lone Star Gas Co., Isaac Wilson Lease, Stephens County, Okla.	Notice of cancellation (undated). ²	55	2
CI74-179 B, 9-13-73	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., Kismet Northwest Field, Seward County, Kans.	Notice of cancellation. 9-11-73. ^{2,3}	56	5
CI74-192 B, 9-19-73	Texaco, Inc.	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	Notice of cancellation. 9-17-73. ^{2,3}	316	7
CI74-193 B, 9-17-73	Sun Oil Co.	Texas Eastern Transmission Corp., Delhi Field, Richland Parish, La.	Notice of cancellation. 9-12-73. ^{2,3}	36	21
CI74-201 B, 9-24-73	Quintin Little	Lone Star Gas Co., Sherman Field, Grayson County, Tex.	Notice of cancellation. 9-20-73. ^{2,3}	1	2
CI74-202 B, 9-20-73	Edwin L. Cox (operator) et al.	Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, Okla.	Notice of cancellation. 9-21-73. ^{2,3}	32	7
CI74-203 B, 10-4-73	Texaco, Inc.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	Notice of cancellation. 10-2-73. ^{2,3}	250	13
CI74-211 B, 10-5-73	Ashland Oil, Inc.	Texas Eastern Transmission Corp., Mud Flats Field, Aransas County, Tex.	Notice of cancellation. 10-2-73. ^{2,3}	221	7
CI74-216 B, 10-1-73	Perry R. Bass	Michigan Wisconsin Pipe Line Co., Deep Bayou Field, Cameron Parish, La.	Notice of cancellation (Undated). ¹	25	5
CI74-243 B, 9-28-73	Pennzoil Producing Co.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Notice of cancellation 9-26-73. ^{2,3}	149	21
CI74-267 B, 10-19-73	Ashland Oil, Inc. (Operator) et al.	South Texas Natural Gas Gathering Co., Schuster Field, Hidalgo County, Tex.	Notice of cancellation. 10-15-73. ^{2,3}	226	6
CI74-305 B, 11-9-73	Robert L. Zinn (Operator) et al.	United Gas Pipe Line Co., West Tecolote Field, Jim Wells County, Tex.	Notice of cancellation. 9-26-73. ^{2,3}	1	3
CI74-308 B, 11-16-73	Mobil Oil Corp.	Lone Star Gas Co., Cruce, Doyle, and Katie Fields, Stephens and Garvin Counties, Okla.	Notice of cancellation. 11-14-73. ^{2,3}	8	12
CI74-315 B, 11-15-73	Edwin L. Cox (Operator) et al.	Lone Star Gas Co., Roody Northeast Field, Garvin County, Okla.	Notice of cancellation. 11-12-73. ²	42	3
CI74-330 B, 11-23-73	Prudential Drilling Co.	Trunkline Gas Co., Goodwin Field, Newton County, Tex.	(¹) (¹⁰) (¹¹)		
CI74-335 B, 11-19-73	Marathon Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Notice of cancellation. 11-15-73. ²	20	14
CI74-336 B, 11-23-73	Prudential Drilling Co.	Texas Eastern Transmission Corp., Hankamer Ranch Field, Newton County, Tex.	(¹) (¹⁰)		
CI74-338 B, 11-19-73	Mountain Petroleum, Ltd. (1972).	Kansas-Nebraska Natural Gas Co., Inc., Fleming Area, Logan County, Colo.	Notice of cancellation. 11-16-73. ^{2,7}	1	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document	No.	Supp.
CI74-343 B 12-6-73	Mobil Oil Corp.	Texas Gas Transmission Corp., East Cameron Block 4 Field, Cameron Parish, offshore Louisiana	Notice of cancellation. 12-4-73. ²	203	14
CI74-356 B 12-18-73	Southland Royalty Co.	Natural Gas Pipeline Co. of America, Elms Field, Live Oak County, Tex.	(3) (16)		

- ¹ Unless otherwise stated, the effective date is the date of this order.
² Includes buyer's concurrence.
³ Depleted.
⁴ Successor to Sward Co. et al.
⁵ Application treated as notice of cancellation.
⁶ Currently on file as Sward Co. et al., FPC Gas Rate Schedule No. 1.
⁷ Acreage is nonproductive.
⁸ Applicant no longer owns lands and leaseholds subject to the contract.
⁹ Leases released.
¹⁰ Small producer abandonment; there is no active rate schedule on file with the Commission for this sale.
¹¹ Pressure has continually declined and it is no longer economically feasible to supply gas under any circumstances.

[FR Doc.74-6215 Filed 3-19-74; 8:45 am]

[Project No. 1894]

SOUTH CAROLINA ELECTRIC & GAS CO. **Availability of Environmental Impact Statement**

Notice is hereby given that on March 20, 1974, as required by Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with an application filed by South Carolina Electric & Gas Company on July 26, 1972, requesting (1) a new license under Section 15 of the Federal Power Act for the existing Parr Hydroelectric Project (FPC No. 1894) located on the Broad River in Fairfield and Newberry Counties, South Carolina; requesting (2) authorization to construct and include within the new license a pumped-storage project utilizing the existing Parr reservoir enlarged to serve as the lower pool; and requesting (3) authorization to use the upper reservoir of the pumped-storage project as a cooling impoundment for a proposed nuclear electric power plant (A.E.C. Docket No. 50-395).

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., 20426 and in its Atlanta Regional Office located at 730 Peachtree Street NE., Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6211 Filed 3-19-74; 8:45 am]

[Docket No. RI74-46]

DALPORT OIL CORP.

Notice of Extension of Time and Postponement of Hearing

MARCH 13, 1974.

On March 12, 1974, Staff Counsel filed a motion to postpone the procedural

dates fixed by Order issued February 26, 1974, as amended by an errata notice issued February 28, 1974, in the above-designated matter. Dalport Oil Corporation concurs in the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct testimony and evidence by Dalport, April 23, 1974.

Service of direct testimony, testimony by Staff and any interveners opposing the application, April 30, 1974.

Service of rebuttal testimony and evidence, May 7, 1974.

Hearing, May 14, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6422 Filed 3-19-74; 8:45 am]

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO. ET AL. **Notice of Extension of Time**

MARCH 13, 1974.

United Gas Pipe Line Company, Complainant, v. Billy J. McCombs, R. James Stillings, d/b/a Gastill Company, David A. Onsguard, Basin Petroleum Corporation, Louis H. Haring, Jr., National Exploration Company, E. I. du Pont de Nemours & Company and Bill Forney, Respondents.

On March 11, 1974, The McCombs Group filed a motion for reconsideration of order granting Staff's appeal rescheduling briefs and fixing date for initial decision and exceptions.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Initial simultaneous briefs, March 21, 1974.
Reply briefs, April 4, 1974.

Decision of Presiding Administrative Law Judge, May 7, 1974.

Briefs on exceptions, May 28, 1974.

Briefs opposing exceptions, June 7, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6421 Filed 3-19-74; 8:45 am]

[Docket No. E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Affirming in Part and Amending Prior Order

MARCH 14, 1974.

On October 12, 1973, Cambridge Electric Light Company (Cambridge) filed in this docket a proposed change of rates to certain jurisdictional customers. The changes include a proposed fuel adjustment clause. By order of December 13, 1973, the Commission suspended the proposed changes for five months (until May 14, 1974), set the matter for hearing, and ordered Cambridge to file, within 30 days, a revised fuel adjustment clause to conform with the Commission's Opinion No. 633.

In purported compliance with the Commission's December 13 order, Cambridge on January 11, 1974, tendered for filing a revised fuel clause and, concurrently, an increase in the energy charges associated therewith. Notice of this filing was issued on January 20, 1974, with comments due on or before February 5, 1974.

On February 5, 1974, the Town of Belmont, Massachusetts (Belmont) filed a response stating that (1) the revised fuel adjustment clause does not meet the intent and purpose of Commission Opinion No. 633, and (2) that Cambridge has failed to show that the revised energy charges and resulting revenues are just and reasonable. Belmont states, however, that it has no objection to permitting the new fuel adjustment clause to become effective, subject to refund, as of May 14, 1974.

On February 7, 1974, the Commission issued a letter Order accepting Cambridge's revised fuel clause for filing, to be effective as of May 14, 1974. An additional review of the revised fuel clause in light of the allegations contained in Belmont's response indicates that Cambridge's revised fuel clause does conform to the directives of Opinion No. 633. The proposed increased energy charges reflect the increased base fuel cost specified in the revised fuel adjustment clause. We therefore reaffirm our Order of February 7, 1974, accepting Cambridge's revised fuel clause as of May 14, 1974, as being consistent with Opinion No. 633. We note, however, that the letter Order of February 7, 1974 erroneously states that the acceptance for filing of the revised fuel clause and energy charge adjustments terminates Docket No. E-8445. We shall herein amend that letter Order to delete such statement.

The action taken herein is without prejudice to Belmont's right to challenge the proposed level of rates and charges sought by Cambridge in this proceeding.

The Commission finds:

(1) Good cause exists to affirm the Commission's letter Order of February 7, 1974, to accept Cambridge's revised fuel clause for filing, effective May 14, 1974.

(2) Good cause exists to amend the Commission's letter Order of February 7, 1974, to delete the reference to termination of Docket No. E-8445.

The Commission orders:

(A) The Commission's letter Order of February 7, 1974, is hereby affirmed to accept Cambridge's revised fuel clause as of May 14, 1974.

(B) The Commission's letter Order of February 7, 1974, is hereby amended to delete the reference to termination of docket No. E-8445.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6407 Filed 3-19-74;8:45 am]

[Docket No. E-8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Proposed Change in Rates MARCH 13, 1974.

Take notice that on March 4, 1974 Columbus and Southern Ohio Electric Company (C&S) tendered for filing proposed changes in rate schedules for municipal wholesale services to the Cities of Westerville and Jackson and the Village of Glouster.

C&S asserts that the filing is in accordance with Part 35 of the Commission's Regulations. C&S states that the contracts will supersede contracts presently on file with this Commission which terminate according to their terms on May 1, 1974 with respect to Westerville and June 30, 1974 with respect to Glouster and Jackson. The agreement of the parties served under the proposed contracts had not been secured as of the date of the filing.

C&S requests an effective date for the proposed contracts of May 1, 1974 with respect to Westerville and June 30, 1974 with respect to Glouster and Jackson.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6404 Filed 3-19-74;8:45 am]

[Docket No. CP74-220]

EL PASO NATURAL GAS CO. Notice of Application

MARCH 13, 1974.

Take notice that on February 27, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas

79978, filed an application in Docket No. CP74-220 pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain meter station facilities and for a certificate of public convenience and necessity authorizing the sale for resale of reappportioned volumes of natural gas, by community, to General Utilities, Inc. (General Utilities), in Graham and Greenlee Counties, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant proposes to abandon, by removal and salvage, the Rural Electrification Administration (REA) Power Plant Meter Station and the sale and delivery of natural gas to General Utilities at such location in Graham County, Arizona. Said facilities consist of one 500 B standard positive displacement type meter station, with appurtenances, located on Applicant's 10 $\frac{3}{4}$ -inch O.D. Globe-Miami pipeline. Applicant states that natural gas service at such location is no longer required due to the dismantling of the subject power plant; and, therefore, applicant and General Utilities have agreed to abandon said meter station. The application states that the total cost of the removal and salvage of such facilities is estimated to be \$200.

The application states further that Applicant, at the request of General Utilities, proposes to reappportion, by community the quantities of natural gas now authorized to be delivered to general utilities at certain locations for resale and general distribution to Priority 1 and 2 consumers in Graham and Greenlee Counties, Arizona. Applicant states that the proposed reappportionment will allow General Utilities to utilize the existing contract quantities where service to Priority 1 and 2 customer needs exist, thereby, providing a more reliable and adequate natural gas service without requiring the installation of additional facilities by Applicant or General Utilities.

The application states that no interruption, reduction or termination of natural gas service presently rendered by Applicant to any of its customers, other than that which has been terminated by mutual agreement, will result upon effectuation of the abandonment and the reappportionment of contract quantities proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a

petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6405 Filed 3-19-74;8:45 am]

[Docket No. E-8648]

DUKE POWER CO.

Notice of Filing Fuel Conservation Rate Schedule

MARCH 13, 1974.

Take notice that Duke Power Company (Duke) on March 1, 1974, tendered for filing a FCE (Fuel Conservation Energy) Rate Schedule. The said Schedule proposes to make available to interconnected public utilities companies energy during off-peak hours in such amounts as Duke determines are available while maintaining adequate supplies for its regular customers. The said Schedule sets forth the formula upon which the rate for such deliveries will be determined. Duke states that it is not necessary to install new facilities or modify existing ones to supply the FCE service.

Duke proposes an effective date of April 1, 1974, for its FCE Rate Schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6406 Filed 3-19-74;8:45 am]

[Docket No. CP74-222]

IOWA-ILLINOIS GAS AND ELECTRIC CO.**Notice of Application**

MARCH 13, 1974.

Take notice that on March 1, 1974, Iowa-Illinois Gas and Electric Company (Applicant), 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP74-222 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline segments in the Davenport, Iowa area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that due to the relocation of the Linwood Station delivery point in 1969 by Natural Gas Pipeline Company of America, as requested by Applicant, to a point approximately two miles north of its original location in the flood plains of the Mississippi River, certain of Applicant's facilities are no longer required for the delivery of natural gas. Applicant, therefore, proposes to abandon approximately 2.63 miles of eight-inch pipeline of which 9,550 feet of pipe located primarily in the rural area of Scott County, Iowa, will be abandoned in place and the remaining 4,350 feet of pipe located within the municipal limits of Buffalo, Iowa, will be converted from high-pressure pipeline service to 100-pound distribution service. Applicant further proposes to abandon approximately 3.13 miles of 10-inch pipeline located primarily within the municipal limits of Davenport of which 3,200 feet of pipe will be abandoned in place and the remaining 13,320 feet of pipe will be converted from high-pressure service to 100-pound distribution service.

Applicant states that no additional gas deliveries or requirements will result from the proposed abandonment and that no distribution service will be impaired as a result of the abandonment.

Any person desiring to be heard or to make any protest with reference with said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6408 Filed 3-19-74; 8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER & LIGHT CO.**Further Extension of Time and Postponement of Prehearing Conference and Hearing**

MARCH 13, 1974.

On March 5, 1974, Staff Counsel requested a postponement of the procedural dates fixed by notice issued January 29, 1974, in the above-designated matter. The motion states that it was agreed upon at an informal conference that the parties would join the staff's request for a further extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff Service of Testimony, March 22, 1974.
Interveners Service of Testimony, April 5, 1974.

Company Rebuttal Testimony, April 19, 1974.
Prehearing Conference, May 6, 1974 (10 a.m. e.d.t.).

Hearing, May 6, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6409 Filed 3-19-74; 8:45 am]

[Docket No. RP74-26]

LOUISIANA-NEVADA TRANSIT CO.**Extension of Time and Postponement of Prehearing Conference and Hearing**

MARCH 13, 1974.

On February 22, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued October 31, 1974, in the above-designated matter. On February 27, 1974, a notice was issued deferring the procedural dates pending action on the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by Staff, May 17, 1974.
Prehearing Conference, May 29, 1974 (10 a.m. e.d.t.).

Service of Intervener evidence, June 3, 1974.
Service of Company rebuttal, June 17, 1974.
Hearing, July 9, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6410 Filed 3-19-74; 8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT**Notice of Extension of Time and Postponement of Hearing**

MARCH 13, 1974.

On March 6, 1974, the New England Power Pool Executive Committee (NEPOOL) filed a motion for an extension of time for filing its testimony as required by the order issued January 22, 1974 in the above-designated matter. The motion states that the Municipal Petitioners and Staff have no objection to the requested extension. On March 11, 1974, Staff Counsel filed a reply to the above motion stating that Staff does not object provided that the other procedural dates are extended accordingly.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Direct testimony and exhibits by NEPOOL, March 26, 1974.

Direct testimony by Staff, April 23, 1974.
Hearing, May 7, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6411 Filed 3-19-74; 8:45 am]

[Docket No. RP73-48]

NORTHERN NATURAL GAS CO.**Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision**

MARCH 13, 1974.

Take notice that Northern Natural Gas Company, (Northern), on March 1, 1974 tendered for filing Fourth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Volume No. 4. Northern asserts that the proposed change, to become effective April 1, 1974, would increase annual revenues from jurisdictional sales and service by \$25,731. The increase of 2.20¢ per MCF reflects an increase of the wholesale F-2 rate for gas purchased from Colorado Interstate Gas Company. Northern alleges that this rate increase filing is being made pursuant to Paragraph 19 of the General Terms and Conditions contained in Northern's F.P.C. Gas Tariff, Original Volume No. 4.

Northern also included in its filing Substitute Fourth Revised Sheet No. 3a to its F.P.C. Gas Tariff, Volume No. 4. Northern has requested that this alternate Sheet be allowed to become effective should Colorado Interstate obtain approval from the F.P.C. to place into effect on April 1, 1974, an alternate increase of .59¢ per MCF.

Copies of the filing were served upon the Gas Utility Customers and Interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1974. Protests will be considered by the Commission in deter-

mining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-6412 Filed 3-19-74; 8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Order Granting Motion for Extraordinary Relief and Instituting Investigation

MARCH 14, 1974.

We have before us a "Motion for Extraordinary Relief" which is an appeal from the presiding administrative law judge's denial of a request to certify to us his ruling granting the Commission staff's motion (Tr. 30) "to dismiss and remove from this proceeding all matters dealing with the issue of anticompetitive activities as they have been set forth by the intervenors." Due to the scope and importance of his ruling, we find that there exist "extraordinary circumstances" within the meaning of § 1.28(a) of our rules of practice and procedure and, accordingly, we shall consider this appeal on the merits.

On September 29, 1972, Pacific Gas and Electric Company (PG&E) tendered for filing revised tariff sheets embodying a 22 percent wholesale rate increase. On November 10, 1972, certain of its jurisdictional customers, namely, the cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California (Cities) filed a document entitled in part "Motion to Reject, Protest, Request for Hearing and Five Months Suspension, and Petition to Intervene" alleging, among other matters, that PG&E was engaging in anticompetitive behavior. Cities alleged that such behavior included PG&E's proposing a wholesale rate so high that its wholesale customers would be unable to compete with PG&E for large industrial retail loads and, consequently, they would be caught in a competitive "price squeeze". Cities asked that we reject the filing because of PG&E's alleged anticompetitive behavior or, if we accept it, that we condition our acceptance on PG&E's elimination of its alleged anticompetitive behavior. On the same day Northern California Power Agency (NCPA), an agency of the State of California, filed a "Petition for Intervention" on behalf of the Cities of Biggs, Gridley, Palo Alto, Redding, and Roseville, California, and Plumas-Sierra Rural Electric Cooperative, also alleging that PG&E was engaging in anticompetitive behavior.

On November 27, 1972, after considering PG&E's answers denying the allegations, we accepted the filing without the conditions proposed by Cities, permitted the interventions, suspended the rate increase for the maximum statutory period until April 28, 1973, and set the matter

for hearing, stating that "the issues raised by the pleadings * * * may require development in evidentiary proceedings". In its "Application for Rehearing" filed December 27, 1972, Cities complained of our failure to say why we had not imposed conditions on our acceptance of PG&E's filing and enlarged its request for relief by asking that we "require interim modification of the new rates so as to avoid unlawful discrimination and price squeeze". On January 26, 1973, we denied Cities' "Application for Rehearing" stating that

Cities' proposed conditions presuppose anticompetitive behavior on the part of Pacific Gas & Electric Company, a matter which cannot be properly ruled upon without development of the issue in an evidentiary proceeding.

Cities, on March 7, 1973, filed a petition in the United States Court of Appeals for the District of Columbia Circuit (Docket No. 73-1246) to review the orders which we issued on November 27, 1972, and January 26, 1973. On April 16, 1973, we moved to dismiss that petition, arguing that the orders in question were not sufficiently definitive to be reviewable, and even assuming, arguendo, that the orders were not interlocutory, they were nevertheless a nonreviewable exercise of the Commission's discretionary suspension power. We stated in the motion that " * * * until the Commission has had an opportunity to consider at an evidentiary hearing the issue of anti-competitive behavior and to rule upon the justness and reasonableness of PG&E's rates, such issues can hardly be considered definitive or ripe for review". On July 5, 1973, the Court of Appeals summarily granted our motion and dismissed Cities' petition.

At the prehearing conference in this proceeding on September 25, 1973, Staff moved "to dismiss and remove from this proceeding all matters dealing with the issue of anticompetitive activities as they have been set forth by the intervenors." On September 28, 1973, the presiding judge granted the staff's motion, stating that "[a]nticompetitive activities are dismissed from consideration in this case * * *". On October 10, 1973, Cities and NCPA filed a "Request for Certification," proffering forty-seven issues of alleged anticompetitive conduct. They took issue with the presiding judge's refusal to consider anticompetitive matters where full relief could not be granted, claiming that if such matters are raised they must be considered if some appropriate relief can be granted. On October 30, 1973, the presiding judge denied the request on the ground that the necessity for prompt Commission action had not been shown.

Cities' and NCPA's "Motion for Extraordinary Relief" followed on November 7, 1973, asserting that their claim that extraordinary circumstances exist for prompt Commission action is based on the significant limiting effect of the presiding judge's ruling on the scope of the proceeding as previously defined in (1) the orders which we issued on November 27, 1972, and January 26, 1973, and (2) the motion which we filed in the

Court of Appeals on April 16, 1973, to dismiss Cities' petition to review those orders.

Staff opposes Cities' and NCPA's "Motion for Extraordinary Relief" relying on the orders which we issued in Southern California Edison Company, on September 21, 1973, and November 2, 1973, and in Arkansas Power and Light Company, Docket No. E-8250, E-8071 and E-8142, on October 29, 1973. PG&E also opposes the motion on the basis that the presiding judge's ruling is consistent with the order which we issued in Southern California, supra. PG&E argues that we did not commit ourselves to accepting all evidence of anticompetitive activities by stating in the orders which we issued in this proceeding on November 27, 1972, and January 26, 1973, that the issues raised by the intervenors may require development, and that Cities' proposed conditions cannot be ruled upon without their development in an evidentiary proceeding. Furthermore, PG&E contends that the presiding judge's ruling is consistent with *Gulf States Utilities Co. v. F.P.C.*, 411 U.S. 747, decided May 14, 1973, in which it was held that we are required to consider, in appropriate circumstances, the anticompetitive effects of regulated aspects of interstate utility operations pursuant to section 205 and 206, among other sections, of the Federal Power Act.

In Southern California and Arkansas Power, supra, the proponents of a "price squeeze" issue asked us to remedy an alleged anticompetitive wholesale rate by fixing the rate based upon the wholesaler's direct large industrial retail rates. A review of excerpts from the record (Attachment B to Cities Motion) indicates that, while Cities and NCPA have not requested the precise relief requested in Southern California and Arkansas, it is clear that Cities and NCPA have attempted to introduce evidence to relieve or compensate for an alleged "price squeeze" by adjusting wholesale rate levels on other than a cost-plus-fair return basis. As we have indicated on numerous occasions, our standard in setting wholesale rates is that any wholesale rate level must be predicated on proof of costs associated with wholesale service plus a fair return. Cities and NCPA have been given an opportunity to present such evidence. We find, therefore, that the presiding Judge's ruling related to "price squeeze" evidence is correct.

We note however, that it appears from Cities' and NCPA's motion for extraordinary relief that anticompetitive issues other than the alleged "price squeeze" have been raised. Cities and NCPA have also alleged, inter alia, that PG&E has entered into various contracts¹

¹ PG&E contracts with: San Diego Gas & Electric and Southern California Edison Company (FPC Rate Schedule No. 27); United States Bureau of Reclamation (FPC Electric Tariff Original Volume No. 4); Sacramento Municipal Utility District (FPC Rate Schedule No. 45); and Southern California Edison and San Diego Gas and Electric, Seven Party Rate Agreement (FPC Rate Schedule No. 105).

which, through their alleged restrictive and anticompetitive nature, have strengthened a purported monopoly over generation and transmission facilities in northern and central California to the detriment of Cities and NCPA. The relief either requested or implied by the various allegations would entail: (1) the adjustment of PG&E's rates to Cities and NCPA to account for the alleged anticompetitive activities; (2) the direction by this Commission to PG&E to wheel power; and (3) the review and possible amendment of the above mentioned contracts to remove anticompetitive provisions.

With regard to (1) *supra*, as previously stated, this Commission, in designing wholesale rates, utilizes a cost plus-fair reasonable rates and does not have the authority under the Act to make the type of adjustment Cities . . . and NCPA are impliedly urging upon us. To the extent that the costs associated with service to Cities and NCPA are lower than those claimed by PG&E, then a rate adjustment would be appropriate. However, evidence relating to alleged anticompetitive activities does not serve to prove or disprove the propriety of a wholesale rate level. Further, with respect to wheeling, it has been determined that the Commission does not have the authority to order wheeling (*Cf. Otter Tail Power Co. v. U.S.*, 410 U.S. 366 (1973)). However, the Commission may have the authority, in proper circumstances, to amend certain provisions of contracts on file with this Commission (*Cf. Carolina Power & Light Company*, Docket No. E-7918, order issued March 12, 1973). We note that the contracts specifically complained of here are on file with this Commission and that relief might be granted if the allegations are satisfactorily proved at hearing. Since, however, such relief is unrelated to the determination of just and reasonable rates presently being made in the proceeding, we shall institute, in a second phase of the proceeding, an investigation of the contracts in question pursuant to section 206 of the Federal Power Act. In serving its evidence, Cities and NCPA shall indicate precisely which provisions of the contracts are allegedly improper and the manner in which the provisions are proposed to be amended. All evidence shall, of course, be subject to appropriate motions regarding our jurisdiction over the contract issues so raised as well as the relevancy and materiality of the evidence adduced.²

² We note that, with respect to the contract with the Sacramento Municipal Utility District (FPC Rate Schedule No. 45), NCPA has previously raised certain issues relating to alleged anticompetitive provisions contained in this contract. In *Northern California Power Agency v. F.P.C.*, D.C. Cir. No. 73-1765, the Commission has taken the position that the contract provisions that NCPA urged the Commission to review in a proceeding before the Commission relate to service over which the Commission does not exercise jurisdiction and therefore the Commission was without power to grant the relief requested.

We view with deep seriousness and concern the charges made by Cities against PG&E and believe they warrant a full and complete investigation. The section 206 proceeding herein ordered will allow for such investigation and provide the appropriate forum for the presentation and development of a complete evidentiary record concerning the alleged anticompetitive activity and conduct of PG&E. If, for example, after hearing and decision PG&E is found, by virtue of contract provisions subject to FPC jurisdiction, to have restricted the ability of its customers to develop their own generation, or limited customers access to alternate supply sources, this Commission will not hesitate to order contract reform or other measures as are necessary to eliminate such practices.

We view our position as being consistent with the orders which we issued in this proceeding on November 27, 1972, and January 26, 1973, as well as the position which we took in the Court of Appeals, all of which predated the Supreme Court's guidance in *Gulf States*, *supra*. We indicated in those orders that we would consider all issues including the anticompetitive issue, but we did not intend to relieve those who would offer evidence to establish violations of antitrust policy from their traditional burden of establishing the relevancy of such evidence to the issues in the proceeding, including their relevancy to the specific relief which we have the power and authority to grant. Nor did we intend to preclude the administrative law judge from performing his traditional and essential function of sifting the evidence as it is offered and inquiring into the prospective relevancy of particular evidence when such relevancy is not readily apparent. Whenever proposed evidence fails to suggest relief which we have the power and authority to grant, it is the duty of the administrative law judge to exclude it from the record of the proceeding.

POLITICAL ACTIVITY ISSUE

Cities asks, as part of its Motion for Extraordinary Relief, that we reverse that portion of the presiding judge's ruling on November 2, 1973, which denied Cities' discovery request that PG&E

Provide documents which indicate any plan or activity by PG&E or its officers or employees since January 1, 1960 related to the obtaining from PG&E's officers or employees of contributions to any candidates for political office (local, state or federal).

PG&E states in its Response (1) that in a recent filing Cities sufficiently narrowed its request to permit PG&E to respond, and (2) that PG&E

Pursues no activities whatever to elicit compulsory political contributions from its officers, employees or any other persons and, therefore, that it has no documents of the sort which Cities have requested.

It appears from PG&E's Response that the issue sought to be raised has become moot and, consequently, we make no other findings and issue no orders in con-

nection with this aspect of Cities' and NCPA's Motion for Extraordinary Relief.

The Commission orders:

(A) The Motion for Extraordinary Relief which was filed by the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California, and the Northern California Power Agency on November 7, 1973, is granted and the ruling which the presiding administrative law judge issued on September 28, 1973, granting the motion which the Commission Staff made at the prehearing conference on September 25, 1973, is reversed only to the extent required to permit an investigation under Section 206 of the Federal Power Act, in a second phase of this proceeding, of the jurisdictional contracts in question cited in Cities' Motion for Extraordinary Relief.

(B) An investigation under section 206 of the Federal Power Act into the justness and reasonableness of the terms and conditions of the contracts identified in Cities' and NCPA's Motion for Extraordinary Relief is hereby instituted as a separate phase of this proceeding. Cities and NCPA shall file testimony and exhibits in support of its allegations concerning the subject contracts on or before April 23, 1974. Staff evidence, if any, shall be served on or before May 7, 1974. Rebuttal evidence shall be served on or before May 21, 1974. Cross examination of the testimony and exhibits filed shall take place on June 4, 1974, before the Presiding Administrative Law Judge presently designated in this docket, as such other Administrative Law Judge as may be assigned in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6413 Filed 3-19-74; 8:45 am]

[Docket No. E-8649]

PACIFIC POWER AND LIGHT CO.

Notice of Application

MARCH 13, 1974.

Take notice that on March 4, 1974, Pacific Power and Light Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing borrowings in an aggregate principal amount not exceeding \$35,000,000 at any one time outstanding under a Loan Facility with certain banks.

Under such Loan Facility, Applicant would have the right to make borrow-

ings not exceeding \$35,000,000 at any one time outstanding through drawings under a revolving standby Loan Facility evidenced by a Letter Agreement to be dated as of March 18, 1974, between Applicant and White, Weld & Co., Limited as Agent for the Banks listed in said Letter Agreement. The duration of the Loan Facility would be for a period of 18 months from the date thereof until October 1, 1975. Under the Loan Facility, Applicant would have the right to make drawings from time to time in the amount of \$1,000,000, or multiples thereof, for a period of one, three or six months, at Applicant's option, which borrowings would mature and be repaid on the last day of the chosen period, but in no event later than the termination date of the Loan Facility. Each drawing would be advanced by the Banks in the proportions to their respective commitments as set forth in said Letter Agreement.

Interest would be payable on each drawing at a rate per annum equal to a margin of $\frac{1}{8}$ of 1 percent per annum plus the rate equal to the arithmetic mean (which, if not a whole multiple of $\frac{1}{16}$ of 1 percent, would be increased to the nearest whole multiple of $\frac{1}{16}$ of 1 percent) of the rates at which deposits in United States Dollars are offered by prime banks in the London interbank market for periods of one, three or six months, whichever is appropriate, and would be fixed at 11 a.m. (London time) two business days prior to the date on which the drawing is made. The interest would be payable on each drawing from the date thereof until actual repayment and would be calculated on the basis of the actual number of days elapsed divided by 360. Applicant will be under no requirement or understanding to maintain compensating balances with the Banks.

Applicant would pay a commitment commission in United States Dollars at the rate of $\frac{1}{4}$ percent per annum from the date of acceptance by Applicant until the termination of the Loan Facility calculated on the basis of the actual number of days elapsed divided by 360 and on the daily unused portion of the Loan Facility payable ninety days in arrears from the date of signing the Letter Agreement for the Loan Facility.

Proceeds from the borrowings to be made under the Loan Facility would be used, in part, to temporarily finance Applicant's construction expenditures for 1974 presently estimated at \$259,589,000. The balance of funds required to meet estimated 1974 construction expenditures is expected to come, in part, from short-term borrowings presently authorized by the Commission and as the Commission may further authorize, and from further permanent financing later in 1974 of a type and magnitude not yet finally determined.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Com-

mission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6414 Filed 3-19-74; 8:45 am]

[Docket No. CP74-225]

PENNSYLVANIA GAS CO.

Notice of Application

MARCH 13, 1974.

Take notice that on March 4, 1974, Pennsylvania Gas Company (Applicant), 213 Second Avenue, Warren, Pennsylvania 16365, filed in Docket No. CP74-225 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon a total of 21 miles of existing pipelines located in Erie County, Pennsylvania, and for a certificate of public convenience and necessity authorizing Applicant to construct and operate 7.1 miles of replacement pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon approximately 21 miles of parallel 8-inch 10-inch, 12-inch transmission pipeline extending between Applicant's regulator station on Stuart Road near Wattsburg, Pennsylvania, and the regulator station near Phillipsville, Pennsylvania, and replace said pipeline with two sections totaling 7.1 miles of new 20-inch transmission pipeline. Applicant states that the proposed 20-inch pipeline sections will replace 21 miles of existing bare transmission pipeline up to 88 years old which, pursuant to Department of Transportation safety regulations, would require an investment of \$205,000 for cathodic protection. The application states that this proposed construction will obviate the necessity of such an expenditure while increasing Applicant's transmission capacity from its supply areas to its main marketing areas of Erie, Pennsylvania, and Jamestown, New York.

Applicant estimates the cost for construction of the proposed 20-inch transmission pipeline will be \$1,000,000, which Applicant intends to finance in part out of available company funds, and in part, from funds to be obtained by issuing to its parent corporation, National Fuel Gas Company, notes or stock, or both, at face or par value.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6415 Filed 3-19-74; 8:45 am]

[Docket No. E-8646]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Filing of Supplement to Rate Schedule

MARCH 13, 1974.

Take notice that Public Service Company of Oklahoma (PSCO) on March 1, 1974 tendered for filing a Supplement to its Rate Schedule FPC No. 186. The said Supplement is an agreement between PSCO and Union Electric Company (Union) for the sale to Union of 100 MV of capacity during the period April 1, 1974 to March 31, 1975. The Supplement calls for a demand charge at the rate of \$1.50 per kilowatt of capacity per month regardless of unit availability. In addition, Union is to pay PSCO the preceding monthly average cost of fuel plus 1.32 mills for various operational costs for each kilowatt hour of energy scheduled. The Supplement contains a conservation clause in which Union agrees to redeliver to PSCO energy generated on coal-fired capacity in an amount equal to one-half the amount of energy Union receives from PSCO under the agreement. PSCO purposes an effective date of April 1, 1974 for this Supplement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6416 Filed 3-19-74;8:45 am]

[Docket No. E-8645]

PUGET SOUND POWER AND LIGHT CO.
Notice of Filing of Agreement

MARCH 13, 1974.

Take notice that on February 27, 1974 Puget Sound Power and Light Company (PSP) tendered for filing an agreement between PSP and Southern California Edison Company (SCE). The said Agreement is for the sale of energy by PSP to SCE. The rates for and the amounts of such energy will be established by the parties, but in no event, will the rate exceed six mills per kilowatt-hour at the point of delivery, the Oregon-California border.

PSP proposes an effective date of February 28, 1974 for this Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6417 Filed 3-19-74;8:45 am]

[Docket No. CP73-225]

TEXAS GAS TRANSMISSION CORP.
Notice of Petition To Amend

MARCH 13, 1974.

Take notice that on March 1, 1974, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. CP73-225 pursuant to section 7(c) of the Natural Gas Act on July 19, 1973 (50 FPC ----) by authorizing Petitioner to

continue to exchange natural gas with Terre Haute Gas Corporation (Terre Haute), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued July 19, 1973, Petitioner was authorized to transport and exchange up to 2,000 Mcf of natural gas per day with Terre Haute, pursuant to an exchange agreement between the parties dated December 8, 1973, for a period ending December 15, 1973. Petitioner requests authorization to extend this simultaneous exchange of gas with Terre Haute for a period beginning December 16, 1973, through May 1, 1975, as provided in a letter agreement between the parties dated December 15, 1973.

Petitioner states that such an extension is needed due to operating conditions of Terre Haute's system and in order for Panhandle Eastern Pipe Line Company to test the feasibility of the Calcutta Carbon Storage Field located in Parke and Clay Counties, Indiana, near Brazil, Indiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6418 Filed 3-19-74;8:45 am]

[Docket No. CP74-214]

UNITED GAS PIPE LINE CO.
Notice of Application

MARCH 13, 1974.

Take notice that on February 25, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP74-214 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon pipeline sections on Applicant's system in east Texas and North Louisiana and for a certificate of public convenience and necessity authorizing the installation and operation of meter and regulating facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon certain segments of its pipeline system which are no longer needed in Applicant's operations. Applicant states that by such abandonments Applicant will avoid cer-

tain expenditures for cathodic protection of the pipe required by the Office of Pipeline Safety of the U.S. Department of Transportation which would otherwise be required.

Applicant proposes to abandon in place, 6,633 feet of the 8-inch Waskom-Tyler line located near Tyler, Smith County, Texas, and 2,270 feet of the 4-inch Kangerga Field transmission line in Rusk County, Texas. Applicant proposes, in addition, to abandon and sell to Louisiana Gas Service Company 494 feet of the Tallulah, Louisiana 4-inch tap line near Tallulah, Madison Parish, Louisiana; 10,433 feet of the 4-inch Richland Field transmission line to the Winnsboro line located in Richland Parish, Louisiana, where Applicant proposes to install meter and regulating facilities estimated to cost \$840 to serve this low pressure line from the 4-inch Winnsboro line; and 145,685 feet of the 7-inch line located in Ouachita and Jackson Parishes, Louisiana, where Applicant proposes to install meter and regulating facilities estimated to cost \$4,310 to serve this low pressure 7-inch line from the 30-inch South-North line.

Applicant states that installation of the proposed meter and regulating facilities will allow Applicant to provide for continued service to those pipelines being sold. The application states that two domestic farm tap customers on the 8-inch Waskom-Tyler line, and seven such customers on the 4-inch Kangerga Field transmission line whose service will be terminated will be furnished with propane storage tanks by Applicant.

Applicant states further that the remainder of the domestic farm tap customers presently on the section of Waskom-Tyler line being abandoned will continue to be served by connections to the distributor, United Gas, Inc., from another part of Applicant's pipeline system. Domestic farm tap customers on the 4-inch Richland Field transmission line to the Winnsboro line and on the 7-inch Hodge line will continue to be served by Louisiana Gas Service Company through the facilities being sold by Applicant and through the proposed meter and regulating facilities to be installed by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-6420 Filed 3-19-74; 8:45 am]

[Docket No. RP74-37-10]

UNITED GAS PIPE LINE CO. (UNITED GAS, INC. ON BEHALF OF B. C. ROGERS AND SONS, INC.)

Notice of Petition for Extraordinary Relief
MARCH 13, 1974.

Take notice that on March 4, 1974 United Gas, Inc. (UGI) filed a petition for extraordinary relief on behalf of B. C. Rogers and Sons, Inc. (Rogers) seeking an additional annual supply of 193,000 Mcf of natural gas from United Gas Pipe Line Company (United).

Rogers is located in Morton, Mississippi and supplied by UGI which in turn is supplied by United. Its base requirement, as established by United, is 83,566 Mcf per year and Morton's entire base requirement is 271,912 Mcf per year. The requested additional service would increase Rogers' base requirements to a total exceeding that which the town of Morton is allotted (277,000; 271,912) and UGI states that it cannot supply this increase. The additional supplies would be used for operating a soon to be completed rendering plant at the Rogers' poultry processing complex. The rendering plant will be used to dispose of waste materials and Rogers states that the entire complex will necessarily be closed if it cannot dispose of the waste products through this plant (all as more fully set out in the attachment to UGI's petition which is on file with the Commission and open for public inspection).

Any person desiring to be heard or to make protest with reference to said petition should on or before March 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Per-

sons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-6419 Filed 3-19-74; 8:45 am]

FEDERAL RESERVE SYSTEM
ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

Alabama Financial Group, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 88.2 percent of the voting shares of The Sand Mountain Bank, Boaz, Alabama ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Alabama controls seven banks which have deposits of \$683.3 million or 9.7 percent of deposits in all commercial banks of the state. (Banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through February 1, 1974.) Acquisition of Bank having deposits of \$23.1 million would increase Applicant's share of Alabama commercial bank deposits by less than one percent and would not change Applicant's rank among other banking organizations in the state in aggregate commercial bank deposits. No undue concentration of banking resources in Alabama would result.

Applicant is seeking to make its initial entry into the Marshall County banking market, which is located in the northeastern part of Alabama. Applicant, in acquiring Bank, the third largest bank in the market, with deposits representing 20.8 percent of commercial bank deposits in the market, will not be gaining a dominant position.

Applicant's closest subsidiary bank is at Anniston, Alabama, 41 miles southeast of Bank. No competition exists between Applicant's banking subsidiaries and Bank, and it is not likely that significant future competition would develop between them because of the distances involved and Alabama's restrictive branching laws. The acquisition would be pro-competitive by breaking an existing affiliation with another bank in the market, and would have no adverse competitive effects.

The financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are satisfactory;

future prospects appear favorable in that Applicant will make available to Bank its managerial resources. The proposed affiliation with Applicant will allow Bank to initiate a 24-hour automatic teller service and offer corporate services to branches of national concerns located in the market. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 12, 1974.

[SEAL]

KYLE K. FOSSUM,
First Vice President.

[FR Doc. 74-6358 Filed 3-19-74; 8:45 am]

BARNETT BANKS OF FLORIDA, INC.
Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 90 per cent or more of the voting shares of Barnett Bank of South Orlando, Orlando, Florida, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Florida, controls 52 banks with aggregate deposits of \$1.6 billion, representing 7.8 per cent of total deposits of commercial banks in the State.¹ Since Bank is a proposed new bank, no existing competition will be eliminated nor would Applicant's share of Statewide deposits be increased.

Applicant presently controls five banking subsidiaries in the Orlando banking market (comprising Orange and south Seminole Counties). Applicant does not

¹ All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through February 28, 1974.

dominate the market as it controls but 12.3 per cent of market deposits. In contrast, the largest banking institution in the market controls approximately 40 per cent of the area's commercial bank deposits. None of Applicant's banking subsidiaries presently draw any significant amount of business from the proposed service area of Bank. It appears that no significant existing competition would be eliminated nor significant potential competition foreclosed, nor would there be any undue adverse effects on any competing banks. Based on the record before it, the Board concludes that consummation of the proposed acquisition would not adversely effect competition in any relevant area.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitments to inject capital into certain of its subsidiaries. Thus, considerations relating to banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval as Bank will offer an alternative source of full banking services to residents of the area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, and (c) Barnett Bank of South Orlando, Orlando, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,² effective March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6360 Filed 3-19-74; 8:45 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank

First at Orlando Corporation, Orlando, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Citizens National Bank of Naples, Naples, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the

² Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

Act, and the time for comment has expired. The Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board, has considered the application and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest banking organization in Florida, and controls thirty-nine subsidiary banks with deposits of \$1.5 billion, representing 7.14 percent of total deposits in commercial banks in the state. (Banking data are as of June 30, 1973, adjusted to reflect holding company formations and acquisitions approved by the Board through February 1, 1974.) The proposed acquisition of Bank, having deposits of \$28.6 million, would not result in a significant increase in the concentration of banking resources in Florida, and would not change Applicant's rank in amount of deposits held by banking organizations in the state.

The relevant banking market is Collier County, Florida, excluding the town of Immokalee; Naples is the county seat. Bank is the third largest of six banks now in the market, and its deposits represent 13 percent of commercial bank deposits in the market. Applicant in acquiring Bank will not gain a dominant position, and the acquisition will end Bank's affiliation with the second largest bank in the market, which holds 33 percent of market deposits.

Applicant's closest subsidiary bank is located in Miami, 110 miles to the east. Applicant's nonbanking subsidiaries derive no business from the service area of Bank. Because of the distance and Florida's prohibitions against branch banking, it is not likely that future competition would arise between Bank and Applicant's subsidiaries. Accordingly, approval of the application would have no adverse competitive effects.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval, especially in view of Applicant's commitments to furnish additional capital to its other subsidiary banks. Customers of Bank will have access to trust services, investment advisory services, and mortgage financing through Applicant's subsidiaries, and Bank would be enabled to meet the borrowing needs of its largest customers. Considerations related to the convenience and needs of the community to be served thus lend some weight toward approval of the application. In the judgment of this Federal Reserve Bank, the application is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after such date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 8, 1974.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.74-6363 Filed 3-13-74; 8:45 am]

BUSINESS ADMINISTRATIVE NEEDS OF KANSAS, LTD.

Formation of Bank Holding Company

Business Administrative Needs of Kansas, Ltd., Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 65.2 percent or more of the voting shares of The State Bank of Lancaster, Lancaster, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20051 to be received not later than April 9, 1974.

Board of Governors of the Federal Reserve System, March 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6364 Filed 3-19-74; 8:45 am]

COMMUNITY BANKS OF FLORIDA, INC.

Acquisition of Bank

Community Banks of Florida, Inc., Seminole, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Redington Community Bank, Redington Shores, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1974.

Board of Governors of the Federal Reserve System, March 14, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6326 Filed 3-19-74; 8:45 am]

FIRST AT ORLANDO CORPORATION ORLANDO, FLORIDA

Order Approving Acquisition of Bank

First at Orlando Corporation, Orlando, Florida, a bank holding company within the meaning of the Bank Holding Com-

pany Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First American Bank of Pensacola, Pensacola, Florida ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Florida, controls 39 banks having deposits of \$1.5 billion or 7.1 percent of deposits in all commercial banks of the state. (Banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through February 1, 1974). Acquisition of Bank, having deposits of \$12.3 million, would increase Applicant's share of Florida commercial bank deposits by less than one percent, and would not change Applicant's rank among other banking organizations in the state in aggregate commercial bank deposits. No undue concentration of banking resources in Florida would result.

Applicant is seeking to make its initial entry into the Pensacola market which includes Escambia and Santa Rosa Counties in the northwestern part of Florida. Applicant, in acquiring Bank, the sixth largest of 16 banks in the market, with deposits representing 3.8 percent of commercial bank deposits in the market, will not be gaining a dominant position.

Applicant's closest subsidiary bank is at Gainesville, Florida, 347 miles southeast of Bank. No competition exists between Applicant's subsidiaries and Bank, and it is not likely that future competition would develop between them because of the distances involved and Florida's restrictive branching laws. The acquisition would have no adverse competitive effects.

The financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are satisfactory in light of Applicant's commitment to increase capital in its other subsidiary banks; future prospects appear favorable. There is no evidence that the banking needs of the community are not being served; however the proposed affiliation with Applicant will help Bank improve the quality of the services it is currently providing. Also, Bank's customers will have access to mortgage services, trust services, and investment advisory services through Applicant's subsidiaries. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction

shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 12, 1974.

[SEAL]

KYLE K. FOSSUM,
First Vice President.

[FR Doc. 74-6359 Filed 3-19-74; 8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Retention of Arlington Mortgage Company

First Virginia Bankshares Corporation, Falls Church, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Arlington Mortgage Company, Falls Church, Virginia ("Company"), a company that engages in the following activities: origination and acquisition of both FHA and VA-insured and conventional real estate loans (including construction loans), and servicing of all types of real estate loans. Such activities have been determined by the Board to be closely related to banking (12 CFR Part 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 Federal Register 1487). The time for filing comments and views has expired, and none has been timely received.

Applicant directly acquired Company in 1968 under authority of § 4(c)(5) of the Act. Applicant seeks permission through this application to operate Company under the broader authority contained in § 4(c)(8) of the Act. In considering a proposal for the retention of shares in a nonbanking company under § 4(c)(8) of the Act, the Board must find that the proposed retention of the nonbanking company could reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Applicant, the sixth largest banking organization in Virginia, controls 23 banks with aggregate deposits of \$761 million, representing 6.7 per cent of total

deposits in commercial banks in Virginia.² Applicant's nonbanking subsidiaries engage in activities including mortgage lending, consumer finance, leasing, advisor to real estate investment trust, the sale of insurance, and holding title to bank premises.

Company (assets of \$16 million as of December 31, 1972) is headquartered in Falls Church, Virginia, a suburb of Washington, D.C., and ranked as the 135th largest mortgage company in the United States based on a mortgage servicing volume of \$212 million as of June 30, 1973.³ The principal competitive effects of Applicant's proposal are limited to the Washington, D.C., SMSA. In 1968, Applicant's lead bank, First Virginia Bank, Falls Church, Virginia ("Bank"), originated a total of approximately \$4.6 million of 1-4 family residential mortgage loans and \$4.7 million of mortgage loans on multi-family and non-residential property in the Washington, D.C., SMSA; during the same period and within the same area, Company originated about \$11 million of 1-4 family residential mortgage loans and \$15 million of mortgage loans on multi-family and non-residential property. Comparable figures for 1972 indicate that Bank and Company originated approximately \$18 million and \$13 million of 1-4 family residential mortgage loans, and approximately \$2 million and \$71 million of mortgage loans on multi-family and non-residential property, respectively. In view of the large number of mortgage lenders in the relevant market (over 100), the relatively small share of the residential mortgage market that Applicant and Company hold combined (under 2 per cent), and the fact that the mortgage loan market for multi-family and non-residential property is national in scope, it appears that no meaningful existing competition was eliminated, nor was substantial competition foreclosed, in the Washington, D.C. area through Applicant's acquisition of Company.

First Virginia Mortgage Company ("Mortgage"), a subsidiary of Bank, offers FHA and VA-insured mortgage loans and 90-95 percent residential financing to customers of Applicant's subsidiary banks operating outside the Washington, D.C., SMSA. However, the amount of such loans originated by Mortgage dur-

² All banking data are as of June 30, 1973, adjusted to reflect holding company acquisitions and formations approved through February 28, 1974.

³ Since its acquisition by Applicant, Company has established additional offices *de novo* in each of the following: Virginia Beach, Virginia; Orlando, Florida; and Birmingham, Alabama. However, these offices serve only as loan production offices, soliciting loans and preparing credit, appraisal, and feasibility information for the originations at the Company's principal office in Falls Church. The application herein contemplates converting these three offices to full service mortgage lending offices.

⁴ Applicant has two other subsidiary banks in the Washington, D.C., SMSA (combined deposits of \$46 million), and in 1972 they had in the aggregate about \$6 million of residential mortgage loans in the market area.

¹ Section 4(c)(5) of the Act generally permits a bank holding company to acquire, without Board approval, "shares which are of the kinds and amounts eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes".

ing 1972 amounted to only about \$900,000. First Advisors, Inc. ("First Advisors"), a direct subsidiary of Applicant, acts as advisor to Mortgage and a publicly-owned real estate investment trust. First Advisors also originates, as exclusive agent for the trust, commercial real estate and construction loans and, as a result, there is a slight overlap in this type of loan activity between First Advisors and Company; but the amount of direct competition appears to be insignificant, particularly in view of the fact that the market for such loans is national in scope. On the basis of the foregoing and other facts of record, the Board concludes that the proposal would have no significant adverse effects on existing or potential competition in any relevant area.

There is no evidence in the record to indicate that the proposed retention of Company by Applicant would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects. On the contrary, the affiliation of Company with Applicant has resulted in benefits to the public in the form of expanded services and increased lending capabilities since Applicant has provided Company with substantial capital thereby increasing the volume of Company's loan originations. Moreover, approval herein will enable Company to convert its Virginia Beach, Orlando, and Birmingham loan production offices to full service status, thus resulting in greater convenience to the public and more efficient processing of loan applications. These public benefits lend weight for approval herein.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,⁵ effective March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-6367 Filed 3-19-74; 8:45 am]

GREAT LAKES BANCSHARES, INC. Acquisition of Bank

Great Lakes Bancshares, Inc., Cleveland, Ohio, has applied for the Board's

⁵ Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallich.

approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the Dime Bank, Canton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 8, 1974.

Board of Governors of the Federal Reserve System, March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-6361 Filed 3-19-74; 8:45 am]

SECURITY BANCORP, INC.

Proposed Acquisition of United Bankers Life Insurance Co.

Security Bancorp, Inc., Southgate, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of United Bankers Life Insurance Company, Phoenix, Arizona. Notice of the application was published on February 20, 1974, in The Mellus News-papers, a newspaper circulated in Southgate, Michigan.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, of credit life and disability insurance in connection with loans made by the credit extending subsidiaries of Security Bancorp, Inc. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and re-

ceived by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 10, 1974.

Board of Governors of the Federal Reserve System, March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-6366 Filed 3-19-74; 8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Merritt Island, Merritt Island, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 10, 1974.

Board of Governors of the Federal Reserve System, March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-6365 Filed 3-19-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

MARCH 13, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, March 28, 1974, from 9:30 a.m. to 12:30 p.m., Room 5318, General Services Administration Building, 18th and F Streets NW., Washington, D.C. This meeting will be for the purpose of considering Architect-Engineer firms to provide design services for the proposed Expansion and Refurbishing, IRS Cafeteria, Philadelphia, Pennsylvania (GS-00B-02517).

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-6342 Filed 3-19-74; 8:45 am]

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

MARCH 13, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, March 25 and 26, 1974, from 10 a.m. to 4:30 p.m., Room 4040, General Services Administration Building, 18th and F Streets, NW., Washington, D.C. 20405. This meeting will be for the purpose of considering Architect-Engineer firms to provide a study and design services for the proposed Modernization of Department of Health, Education, and Welfare Headquarters Buildings (North and South and Federal Building No. 1), Washington, D.C. (GS-00B-02519).

The meeting will be closed to the public in accordance with the provisions set forth in Section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-6343 Filed 3-19-74;8:45 am]

NATIONAL ARCHIVES TRUST FUND BOARD; AMERICANA COMMITTEE FOR THE NATIONAL ARCHIVES

Notice of Meeting

Notice is hereby given that the Americana Committee for the National Archives will meet at the time and place indicated. Anyone interested in attending or wishing additional information should contact the person shown below.

AMERICANA COMMITTEE FOR THE NATIONAL ARCHIVES

Meeting date: April 17, 1974.

Time: 10 a.m.-1 p.m.

Place: National Archives Building, 8th and Pennsylvania Avenue NW., Washington, DC 20408.

Agenda: Discussion of accomplishments of the Americana Project and future plans. For further information contact: Dr. Fred-eric Greenhut, Americana Officer, National Archives Trust Fund Board, Washington, DC 20408, 202-962-6078.

Issued in Washington, D.C. on March 13, 1974.

JAMES B. RHODES,
Chairman, National Archives
Trust Fund Board.

[FR Doc.74-6389 Filed 3-19-74;8:45 am]

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCEDURE RECOMMENDATIONS

Correction

In FR Doc. 74-5601 appearing on page 9584 in the issue of Tuesday, March 12, 1974, in the sixth paragraph insert the following line after line 6: "wide common approach in the final regu-".

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

B & B COAL CO. ET AL.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4056-000, B & B COAL COMPANY, Fodder Stack Mountain Mine No. 2, Mine ID No. 40 00422 0, Petros, Tennessee.

(2) ICP Docket No. 4138-000, #10 COAL MINING CORPORATION, Mine No. 11, Mine ID No. 46 02060 0, Bradshaw, West Virginia.

(3) ICP Docket No. 4138-000, #10 COAL MINING CORPORATION, Dry Fork No. 2 Mine, Mine ID No. 46 03786 0, Bradshaw, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before April 4, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

MARCH 15, 1974.

[FR Doc.74-6314 Filed 3-19-74;8:45 am]

MARINE MAMMAL COMMISSION

ESTABLISHMENT AND FUNCTIONS; SOLICITATION OF PROPOSALS FOR RESEARCH PROJECTS AND STUDIES

The Marine Mammal Protection Act of 1972 (P.L. 92-522; 16 U.S.C. 1361; 86 Stat. 1027) sets forth a national policy to prevent marine mammal species and population stocks from diminishing, as a result of human activities, beyond the point at which they cease to be a significant functioning element in the marine ecosystem. Congress directed that the primary objective of marine mammal management should be to maintain the health and stability of the marine ecosystem and, whenever consistent with this primary objective, to reach and maintain optimum sustainable populations of marine mammals within the optimum carrying capacity of the habitats.

Title II of the Act established the Marine Mammal Commission for the

purpose of developing, reviewing, and making recommendations on activities and policy to assure that the objectives of the Act relating to the protection and conservation of marine mammals are achieved.

At present, there are two Commissioners, Dr. Victor B. Scheffer (Chairman) and Dr. A. Starker Leopold. In accordance with the Act, a third will be named.

The Commission has appointed a nine-member Committee of Scientific Advisors on Marine Mammals: Dr. George A. Bartholomew, Mr. John J. Burns, Dr. Douglas G. Chapman (Chairman), Mr. Jack W. Lentfer, Dr. Kenneth S. Norris, Dr. G. Carleton Ray, Mr. William E. Schevill, Dr. Donald B. Siniff, and Dr. Jesse R. White. The Committee, composed of scientists knowledgeable in marine ecology and marine mammal affairs, is consulted on studies, recommendations, research, and applications for permits requested under the Act.

In late January 1974, John R. Twiss, Jr., was named Executive Director and Robert Eisenbud was named General Counsel. The Commission offices are located at 1625 Eye Street, N.W., Washington, D.C. 20006 (202/382-4475).

RESPONSIBILITIES OF THE COMMISSION

The Act charges the Secretary of Commerce with responsibilities for the protection and conservation of whales, porpoises, seals, and sea lions and the Secretary of the Interior with responsibilities for the protection and conservation of sea otters, walrus, polar bears, manatees, and dugongs. These responsibilities have been delegated by the Secretaries to the Director of the National Marine Fisheries Service and the Director of the Bureau of Sport Fisheries and Wildlife, respectively.

The functions of the Commission with respect to these Departments and other responsibilities and activities of the Commission may be summarized as follows:

A. POLICY REVIEW AND RECOMMENDATIONS

1. *Permits for taking and importing marine mammals.* A central feature of the Act is the provision for a moratorium on the taking and importation of marine mammals and marine mammal products except for such taking by certain Indians, Aleuts, and Eskimos for subsistence and/or native handicrafts and clothing purposes. During the moratorium, no permit for taking or importing may be issued by the Secretaries of Commerce or Interior for purposes of scientific research or public display unless it is first reviewed by the Commission and Committee of Scientific Advisors with reference to the purposes of the Act to maintain the optimum sustainable population within the optimum carrying capacity of the habitat. (Section 2(6); section 101(a); Section 104)

2. *Waiver of moratorium.* The Secretaries of Commerce and the Interior are

authorized and directed to waive the moratorium so as to allow the taking or importing of any marine mammal or marine mammal product, if, in consultation with the Commission, it is determined that such a waiver would be consistent with the purposes and policies of the Act. Such a determination, after a hearing, must be based upon considerations of the distribution, abundance, breeding habits and migratory patterns of marine mammals, as well as the optimum carrying capacity of the habitat. (Section 101 (3) (A); section 103(d)).

3. *Incidental taking of marine mammals in commercial fishing operations.* The Act directs the Secretary of Commerce to develop regulations, in consultation with the Commission, so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. (Section 101(a)(2); section 111(b)). The Secretary is directed to request the Committee of Scientific Advisors to prepare detailed estimates of the number of marine mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required after October 21, 1974, so as to pose the least practicable hazard to marine mammals, with a goal of reducing incidental kill and serious injury to insignificant levels approaching zero. The Secretary of Treasury is directed to ban the importation of commercial fish or fish products which have been caught with technology which results in incidental kill or serious injury levels which exceed U.S. standards. (Section 101(a)(2)).

4. *Regulations for taking and importing marine mammals.* The Secretaries of Commerce and the Interior are directed to consult with the Commission in prescribing regulations with respect to the taking and importing of animals from each species of marine mammal so as to insure that any such taking and/or importing will not be to the disadvantage of those species and population stocks and will otherwise be consistent with the purpose and policies of the Act. (Section 103) The secretaries are directed to require, in consultation with the Commission, humane treatment of marine mammals taken and/or maintained in captivity pursuant to regulations and permits so as to assure the least possible degree of pain and suffering practicable to the mammal involved. (Section 3(4); section 102(b)(4); section 103(c)(4); section 104 (b)(2) (B) and (c))

5. *Existing laws and international efforts.* The Act directs the Commission to review and study the activities of the United States pursuant to existing laws and international conventions relating to marine mammals and to recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals. (Section 108(b)(1)(A); section 202(a)(1), (5))

6. *Endangered species.* The Act directs the Commission to recommend, with regard to marine mammals, to the Secretary of the Interior such revisions of the

Endangered Species List as may be appropriate. (Section 202(a)(6))

7. *Protection of Indians, Eskimos and Aleuts.* The Act directs the Commission to recommend such additional measures as it deems necessary or desirable, consistent with the policies of the Act, to protect certain Indians, Eskimos and Aleuts whose livelihood may be adversely affected by actions taken pursuant to the Act. (Section 202(7))

8. *Conditions of stocks, methods of protection, and humane means of taking marine mammals.* The Act directs the Commission to conduct a continuing review of: the conditions of stocks of marine mammals with reference to the goal of maintaining optimum sustainable populations within the optimum carrying capacity of the habitat; methods for their protection and conservation; and humane means of taking marine mammals. (Section 202(a)(2))

9. *Other necessary or desirable studies and actions.* The Act directs the Commission to undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its responsibilities under the Act and to recommend to Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals. (Section 202(a)(3), (4))

B. STUDIES AND RESEARCH PROGRAMS

Reliable information concerning species levels and stocks of marine mammals, the ecosystem of which they are a part, and the human activities which influence them is essential to the fulfillment of the purposes and policies of the Act and the Commission's broad mandate to review, study, and recommend actions and policies relating to the protection and conservation of marine mammals.

Congress recognized that there is inadequate knowledge of the biology, ecology, and population dynamics, as well as present population levels, of marine mammals, and of the factors which influence their ability to reproduce and sustain their role in the marine ecosystem. (Section 3) The Act therefore directs that two-thirds of the funds appropriated to the Commission for each fiscal year shall be expended on research and studies relating to the protection and conservation of marine mammals so as to develop and evaluate this urgently needed information. (Section 207) In addition to its responsibilities to undertake studies and research (Section 202(a)(2), (3)), the Commission is directed to review all applications for permits for scientific research (Section 202(a)(2)), and all research programs conducted or proposed to be conducted under the authority of the Act. (Section 202(a)(2); section 110(b))

The Commission is given access to all studies and data compiled by Federal agencies regarding marine mammals, and is directed to take every feasible step to avoid duplication of research. (Section 205) Recommendations made by the Commission to Federal officials,

based upon research, study and access to information, must be responded to within 120 days after receipt thereof; a detailed explanation must be provided to the Commission by those Federal officials if such recommendations are not followed or adopted. (Section 202(d))

SUBMISSION OF PROPOSALS FOR RESEARCH PROJECTS AND STUDIES

The Commission has defined certain areas of study and research which merit concentrated effort because of their critical importance to the evaluation of the present situation and planning of effective marine mammal conservation programs.

A decision by the Commission to award funds for support of research in these and other areas involving work with marine mammals and/or marine mammal products does not satisfy the permit requirements of the Act. A permit to conduct such research, where required by the Act, must be obtained from the National Marine Fisheries Service or Bureau of Sport Fisheries and Wildlife, as appropriate.

In order to be considered favorably, proposals tendered to the Commission should be designed to serve the protection and conservation goals of the Marine Mammal Protection Act and should be directed to one or more of the following areas:

A. STATUS OF MARINE MAMMALS

1. *Census methods.* One of the most challenging goals in planning for the conservation of marine mammals is the acquisition of reliable data on population and trends of each species. New methodology is desperately needed, and proposals for testing innovative census methods will be given high priority.

2. *Delineation of population stocks.* Many marine mammals are geographically localized and many populations of a single species often exist, each occupying a different geographic sector of the marine environment. Clearly, one population may be threatened while the species as a whole is not. Delineation of discrete populations and their relative status is an important consideration for the planning of a conservation program.

3. *Migrations.* Some marine mammals make extensive seasonal migrations which must be detailed if total ecosystem relationships are to be understood.

4. *Checklist of marine mammals.* A systematic list of the species and subspecies of marine mammals is essential to planning for their conservation.

B. ECOLOGY OF MARINE MAMMALS

1. *Ecosystem relations.* Marine mammals are an integral part of the marine environment. They require, among other things, food, as well as places to breed, to escape disturbance, to find shelter from predators, and merely to rest. Research on the habitat requirements of individual species is desirable.

2. *Population dynamics.* Marine mammals, like all other living organisms, maintain their populations by producing young at a rate that offsets mortality.

What are the rates of recruitment and mortality in individual populations? To what extent are recruitment and mortality related to the density of these populations?

3. *Optimum sustainable population and optimum carrying capacity.* Both (1) and (2) above, as well as [A] above, are relevant considerations in determining the optimum sustainable populations of marine mammals and the optimum carrying capacity of the habitat. Data and methodology for these purposes are urgently needed. The parameters of this new standard which departs from the traditional concepts of maximum sustainable yield management should be delineated and data gathered.

4. *Physiology.* Each kind of marine mammal is physiologically adapted to the environment in which it lives. What are these adaptations? To what extent are they subject to compensation and modification? For example, how can the northern fur seal, adapted to subarctic waters, survive and reproduce on the California Channel Islands?

5. *Behavior.* Studies of marine mammals have revealed many remarkable facets of adaptive behavior. The schooling of porpoises, the social structure of breeding colonies of seals, and the acoustic echo-location and communication systems of whales are examples. All of this knowledge is of scientific interest and much of it is relevant to conservation programs.

6. *Pathology.* Marine mammals are subject to the attack of many diseases and parasites whose impact is relevant to conservation in the wild and in captivity.

7. *Habitat deterioration.* Oil spills, pesticides, herbicides, and other environmental contaminants, as well as habitat destruction by man, may depress wild populations of marine mammals. Knowledge of the extent and nature of habitat deterioration and its effects is essential for effective conservation planning.

8. *Harassment and disturbance.* There is abundant evidence that many species of marine mammals are highly sensitive to human disturbance. An increasingly important facet of management is the regulation of visitation and other human use of critical areas of marine mammal concentrations. Identification of these critical areas and adverse impacts is needed.

C. MANAGEMENT OF MARINE MAMMALS

1. *Protection.* Some species are obviously in need of complete protection, not only from exploitation, but from harassment and disturbance. It is important that data bases be promptly developed to identify species and populations in need of protection and preservation.

2. *Consumptive use by man.* Other species may be potentially capable of sustaining regulated taking under rational management. The optimum population level, optimum carrying capacity of the habitat, population status and trend, and potential yield rate are needed for each species where taking is in progress or is contemplated.

3. *Incidental taking of marine mammals in commercial fishing operations and other activities.* Certain species or population stocks of marine mammals are subject to incidental taking in the course of commercial fishing operations and other activities. For example, studies of the level of mortality or injury of porpoises in the course of commercial tuna fishing operations, and methods of reducing or preventing it, will be given high priority. Similar problems involving the taking of marine mammals in fishing operations or other activities, such as the mortality or injury of manatees caused by boat propellers, warrant study.

4. *Socio-economic aspects of exploitation and protection.* The Marine Mammal Protection Act permits the taking of marine mammals by northwest-coastal Indians, Aleuts and Eskimos for certain purposes. The social and economic significance of such taking, the impact of the Act upon such people, and the status of the species or population stock in question, must be assessed.

5. *Domestic and international law.* Existing domestic laws and international treaties and agreements affect management of many species of marine mammals. A review and evaluation of these laws, activities conducted pursuant to these authorities, and the extent to which they are consistent with the Marine Mammal Protection Act are needed.

6. *Maintenance of captive stocks.* There is much to be learned about the feeding, care, sanitation, transport, disease prophylaxis, and husbandry of marine mammals held in captivity. Advances in this field of study can serve to extend the health and longevity of captive animals and thereby reduce the number taken from the wild for display, education, and study.

7. *Humane taking and treatment.* Identification and development of humane means of taking, transporting, and caring for marine mammals so as to assure the least possible degree of pain and suffering practicable to the mammal involved is essential for effective protection and conservation of marine mammals.

Information concerning guidelines and format for submission of proposals can be obtained from the Marine Mammal Commission, Suite 307, 1625 Eye Street, N.W., Washington, D.C. 20006 (202/382-4475).

JOHN R. TWISS, JR.,
Executive Director,
Marine Mammal Commission.

MARCH 15, 1974.

[FR Doc.74-6442 Filed 3-19-74;8:45 am]

NATIONAL SCIENCE FOUNDATION ADVISORY COMMITTEE FOR RESEARCH Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Committee for Research to be held at 9 a.m. on March 28 and 29, 1974,

in Room 616 at 5225 Wisconsin Avenue, N.W., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning research activities and potential in the U.S. and to consult on problems in the administration of research support.

The agenda for this meeting shall include:

MARCH 28

- 9:00 Welcome: Committee Chairman.
- 9:05 Review of Committee Recommendations and Suggestions from October meeting with Foundation Comment: Committee Chairman.
- 9:35 Presentation of Report of Task Group No. 1 ("Long Range Planning Equipment"): Task Group Chairman.
- 11:00 Presentation of Report of Task Group No. 2 ("Impact of NSF Research Support on Advancement of Science"): Task Group Chairman.
- 12:30 Recess for Lunch.
- 1:45 Presentation of Report by Task Group No. 3 ("Post Grant Evaluation"): Task Group Chairman.
- 3:30 Discussion of NSF Plans for Support of Energy Related Research: Assistant Director for Research Applications and Head, Office of Energy-Related General Research, AD/R.
- 4:15 Presentation of Program Areas for Further Study: Assistant Director for National and International Programs.
- 4:30 Assignment of Tasks and Committee members to Task Groups and Instructions to Task Groups: Chairman.
- 5:00 Adjournment.

MARCH 29

- 9:00 Review of NSF Graduate Education Program (Joint Session with Advisory Committee for Science Education): Assistant Director for Education.
- 10:45 Discussion of the Quality of Higher Education in the Sciences (Joint Session with Advisory Committee for Science Education): Chairman, Advisory Committee for Science Education.
- 11:30 Task Groups convene for Initial Discussion of Problem Areas with NSF Staff.
- 3:30 Presentation to Full Committee on Problem Selection and Plans for Developing Reports: Task Group Chairmen.
- 3:45 Arrange for date of next meeting and adjournment: Chairman.

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. Leonard F. Gardner, Special Assistant, 202-632-4278 or Room 320, 1800 G Street N.W., Washington, D.C. 20550 prior to the meeting. Persons requiring further information concerning this Committee should contact Mr. Leonard F. Gardner at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street N.W., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

MARCH 6, 1974.

[FR Doc.74-6374 Filed 3-19-74;8:45 am]

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Committee for Science Education to be held at 9 a.m. on March 28 and 29, 1974, in Room 651 at 5225 Wisconsin Avenue NW., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning the impact of all Foundation activities relating to education in the sciences in U.S. schools, colleges and universities.

The agenda for this meeting shall include:

MARCH 28

- 9:00 Presentation of Status of Directorate: Assistant Director for Education.
- 9:30 Discussion of Committee Activities: Chairman.
- 10:00 Science Education of Women and Minorities: Chairman and AD/E Staff.
- 12:30 Recess for Lunch.
- 1:30 Problem-Oriented Education in the Sciences: Assistant Director for Education.
- 2:30 Committee Objectives and Plans, 1974: Chairman.
- 4:30 Business Session.
- 5:00 Adjournment.

MARCH 29

- 9:00 Graduate Education Program Review (Joint Meeting with Advisory Committee for Research): Assistant Director for Education and Staff.
- 10:45 Discussion of Quality of Higher Education in the Sciences (Joint Meeting with Advisory Committee for Research): Chairman.
- 11:30 Discussion of Quality of Higher Education in the Sciences: Advisory Committee for Science Education.
- 12:00 Other Business.
- 12:30 Adjournment.

This meeting shall be open to the public. Individuals who wish to attend should inform Mrs. Frances O. Watts, Administrative Officer, AD/E, Room 600, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550 prior to the meeting. Persons requiring further information concerning this Committee should contact Mrs. Frances O. Watts at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

MARCH 6, 1974.

[FR Doc.74-6375 Filed 3-19-74; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-443]

AIRCRAFT ACCIDENT AT JOHNSTOWN, PA.

Notice of Second Change of Hearing Date

In the matter of investigation of accident involving an Air East, Inc., Beech-

craft 99A of United States Registry N125AE, at Johnstown, Pennsylvania, January 6, 1974.

Notice is hereby given that the date of the Accident Investigation Hearing on the above matter is changed from April 2, 1974, to April 23, 1974. The hearing will commence on the latter date at 9 a.m., e.d.t., in the Heritage Room of the Holiday Inn, 1540 Scalp Avenue, Johnstown, Pennsylvania.

Dated this 13th day of March 1974.

[SEAL] LESLIE D. KAMPSCHORR,
Hearing Officer.

[FR Doc.74-6340 Filed 3-19-74; 8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWS

REGIONAL SELECTION MEETINGS

Pursuant to Public Law 92-463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellows will be held in each of the eleven U.S. Civil Service regions during the week of March 18, 1974. The date and place of each meeting is as follows:

Monday, March 18, 8:45 a.m.
University Club
1683 Sherman
Denver, Colorado

Monday, March 18, 8:30 a.m.
Two Turtle Creek Village, Suite 1605
Corner of Turtle Creek and Blackburn Street
Dallas, Texas

Monday, March 18, 8:30 a.m.
Jewel Companies, Inc.
O'Hare Plaza
5725 East River Road
Chicago, Illinois

Tuesday, March 19, 8:30 a.m.
U.S. Civil Service Commission, Room 1036
Post Office and Courthouse Building
Boston, Massachusetts

Tuesday, March 19, 8:30 a.m.
Alston, Miller & Gaines
National Bank Building
Atlanta, Georgia 30303

Wednesday, March 20, 8:45 a.m.
McKinsey & Co.
245 Park Avenue at 46th Street
New York, New York

Wednesday, March 20, 9:00 a.m.
Union Forge
Broad & Sampson, Lincoln Memorial Room
Philadelphia, Pa.

Wednesday, March 20, 8:30 a.m.
Boeing Aircraft Company
Seattle, Washington

Thursday, March 21, 8:00 a.m.
U.S. Civil Service Commission
Federal Building
450 Golden Gate Avenue
San Francisco, California

Saturday, March 23, 8:30 a.m.
Missouri Athletic Club, Board Room
405 Washington Avenue
St. Louis, Mo.

Saturday, March 23, 8:30 a.m.
Georgetown University
Office of the President
Washington, D.C.

These selection meetings are part of the screening process of the White House Fellows program. In these meetings, selected applicants to the program are interviewed by a panel of five to seven

outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellows those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of section 552(b)(6) of Title 5 of the United States code and that these meetings will be closed to the public.

CARL GRANT,
Director.

[FR Doc.74-6443 Filed 3-19-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 15, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Survey of Reimbursement and Certification Functions, Food Stamp Program, Form -----, Occasional, Lowry, County/State dept. public welfare caseworkers.

REVISIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Retail Outlet Gasoline Survey, Form BLS 3036A and 3036B, Bi-monthly, Weiner, Retail gasoline outlets.

VETERAN'S ADMINISTRATION

Supplemental Physical Examination Report, Form VA 29-8146, Occasional, Caywood, Veteran applicant.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Monthly Retail Inventory Reports, Forms BUS 10A, BUS 11A, BUS 207, BUS 10L, BUS 11L, Monthly, Evinger, Retail businesses.

Legal, Medical, Dental, Other Services; Medical Institutions, Educational Institutions Classification Report, Forms BUS 41, BUS 42, BUS 43, and BUS 44, Monthly, Evinger, Medical, Legal and educational establishment.
Non-profit Educational Institutions Report, Form BUS 84, Quarterly, Evinger, Educational institutions.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Digest of Selected Pension Plans, Form BLS 2714, Occasional, Evinger, Private pension plan administrators.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-6549 Filed 3-19-74;8:45 am]

TARIFF COMMISSION

[332-70]

BRUSSELS TARIFF NOMENCLATURE

Public Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

- Chapter 25: Salt; sulfur; earths and stone; plastering materials, lime, and cement.
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica, and of similar materials.
- Chapter 69: Ceramic products.
- Chapter 70: Glass and glassware.
- Chapter 72: Coin.
- Chapter 97: Toys, games, and sports requisites, and parts thereof.

are being released today and that public hearings thereon will begin at 10 a.m., e.d.t., on April 15, 1974, in the Hearing Room of the Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than April 8, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after April 8, 1974. Any person who fails to receive such notification by April 11, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules

(39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D.C. and New York, N.Y.; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: March 15, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6380 Filed 3-19-74;8:45 am]

[TEA-F-61]

CAPITOL FOOTWEAR CORP.

Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Capitol Footwear Corp., Worcester, Massachusetts, the United States Tariff Commission, on March 14, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men (of the types provided for in items 700.35 and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.t., on April 11, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, April 5, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commis-

sion, 8th and E Streets, NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: March 15, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6381 Filed 3-19-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

FRED BRAUN WORKSHOPS, INC.

Investigation of Eligibility of Workers for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Fred Braun Workshops, Inc., New York, New York (TEA-W-223). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before March 22, 1974.

Signed at Washington, D.C. this 11th day of March 1974.

GLORIA G. VERNON,
*Director, Office of
Foreign Economic Policy.*

[FR Doc.74-6372 Filed 3-19-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

GRAIN MILLS POINT SOURCE CATEGORY

**Effluent Limitations Guidelines
and Standards**

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDSPART 406—GRAIN MILLS POINT SOURCE
CATEGORY

On December 4, 1973, notice was published in the *FEDERAL REGISTER* (38 FR 33438), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories of the grain mills category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the grain mills category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 406. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307 (c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the *FEDERAL REGISTER*, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202), and in the notice of proposed rulemaking for the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Grain milling industry (August, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Corn Refiners Association, American Corn Millers Federation, U.S. Department of Commerce, Distilled Spirits Council of the United States, Inc., and U.S. Department of Agriculture.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(2) A commenter pointed out a discrepancy in the rationale for the "best practicable" limitations in the corn wet milling subcategory. The Development Document claimed that the recommended technology, if applied to an existing source, would result in a monthly average discharge of 30 to 50 lbs/MSBu for both the BOD5 and TSS parameters. The limitations, however, are 35 lbs/MSBu of TSS and 50 lbs/MSBu of BOD5. It was argued that since EPA is only certain that the 50 lb limit can be attained, the TSS limitation should be changed from 35 to 50 lbs/MSBu.

EPA has carefully reviewed this comment and found it to be justified. Consequently, the best practicable limitation for TSS in the corn wet milling subcategory has been changed from 30 to 50 lbs/MSBu. EPA believes that while the 30 lb limit might be attainable, the technology is not yet available to achieve this effluent level on a routine basis. Currently, many of the existing treatment systems exceed 50 lbs of TSS/MSBu but it is the opinion of EPA, that this is due to inadequate in-plant controls and operation of the treatment systems, and in some cases the discharge of untreated barometric cooling water. With proper

operation, and recycling of barometric cooling water where necessary, the limitation of 50 lbs of TSS/MSBu is achievable and represents a substantial improvement over the present levels of treatment.

(3) Industry objected to the method EPA used to calculate an average raw waste load for the corn wet milling subcategory. EPA based its typical raw waste load on the average raw waste loads for one year at 12 corn wet mills. Industry claimed that such an average is unfair to more than half the plants in the industry, and ignores the fact that the raw waste load can vary by as much as three to ten times the average of any particular plant.

EPA believes that the method used to develop the standard raw waste load is fair and reasonable. All 17 plants in the industry were given the opportunity to submit information on the characteristics of their waste. Twelve of these plants transmitted usable information on their raw waste load to EPA. Careful evaluation of the data showed that these plants could not be further subcategorized on the basis of size or age of facility, nor on the basis of product mix. Consequently, a standard raw waste load was calculated using an average of the available data. EPA recognized the complexity of the various processes of corn wet milling and therefore, decided that the standard raw waste load should be based on the broadest data base available, i.e., an average of 12 plants, rather than on one or two of the better operations.

It is true that large fluctuations in raw waste load may occur in corn wet mills. The variations in raw waste load at any plant around an average figure are only important insofar as they affect the treatment system. As described in section VII of the Development Document, these variations can be minimized by proper in-plant control and a properly designed and operated treatment system.

(4) Industry also claimed that none of the three existing treatment plants in the corn wet milling subcategory could meet the 1977 standards contrary to the claims of EPA. It was alleged that one of these plants operating under a Federal demonstration grant has shown that it cannot meet the effluent levels required by the proposed limitations.

EPA evaluated this demonstration project during its initial stages of operation. The treatment plant was found to be overloaded, and subsequent efforts by the manufacturer reduced the raw waste load normally discharged to the treatment system. While pollutant concentrations in this effluent were reduced, large quantities of pollutants in barometric cooling water continued to be discharged untreated. As discussed in the Development Document, plants with barometric cooling water can drastically reduce their pollutant discharge by recycling this water through cooling towers with the blowdown sent to the treatment system. If this were done at the above plant, even assuming no BOD removal in the cooling tower through biological action, the limitations could be achieved. It is the

Agency's opinion that any of the plants in this subcategory with an adequate treatment system can meet the effluent limitations, provided that proper in-plant efforts are made to prevent excess raw waste from being discharged to the plant waste water treatment system.

(5) Industry claimed that the costs of treatment in the corn wet milling subcategory are underestimated and, in particular, the costs of in-plant controls are not included.

In addition to the comments EPA made in the preamble to the proposed regulation, the following factors are important. The economic impact analysis of the cost of meeting the proposed limitations was based on the construction of complete treatment systems using the best practicable technology currently available. This technology is equalization, activated sludge, and, when necessary, recirculating cooling water systems. In the corn wet milling industry, the actual costs of meeting the limitations will be less than estimated. Since all plants discharging to streams have some treatment, the cost of meeting the 1977 limitations will be reduced by an amount equal to the cost of the system they already have in place. The additional treatment may include cooling towers for recycling barometric cooling water, and an expanded treatment system to handle the blowdown from this cooling tower.

As far as in-plant controls are concerned, the typical plant selected for the calculation assumed good in-plant control. Some plants in the industry already have these controls. Others do not and would have an additional cost depending on the specific circumstances of the plant.

(6) A commenter pointed out that in a few dry corn mills additional processing occurs which is not covered in the Development Document. It was argued that a few of the larger mills further process the grits, meal and flour through expanders and/or extruders. Additional waste waters are generated by air pollution control equipment. Since such processing is not an integral part of the basic milling sequence as described in the Development Document, such wastes should be specifically excluded from the final regulations.

EPA agrees with this comment and the final regulations published below exclude waste waters from air pollution control equipment on expanders and/or extruders in the corn dry milling subcategory. Additional limitations to cover these waste waters cannot be made at this time for lack of adequate information.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments, continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) Sections 406.11, 406.21, 406.31, 406.41, 406.51, and 406.61 entitled "Specialized Definitions," now include references to general definitions, abbreviations, and methods of analysis in 40 CFR

Part 401 which reduces the need for some specialized definitions in this regulation.

(2) The "best practicable" limitations for the corn wet milling subcategory have been changed. The average monthly limitation for TSS has been raised from 35 to 50 lbs/MSBu. This decision was made recognizing that solids separation is a difficult problem in this industry. While EPA feels that this problem is solvable by the methods suggested in the Development Document, sufficient uncertainty exists to raise the TSS limitation to the same level as the BOD5. This results in an effluent concentration of 125 mg/l for a typical plant. The daily maximum figure is three times the monthly limitation or 150 lbs/MSBu.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(4) In the corn dry milling subcategory, waste waters from air pollution control equipment on expanders and extruders have been excluded from the limitations. Insufficient data exists upon which to base limitations. The change is reflected in § 406.20.

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation. The only subcategory affected by the revisions is the corn wet milling subcategory. Since the revision to the "best practicable" limitations raised the allowable discharge of TSS for 1977, the cost to be incurred by industry will be somewhat less than anticipated in the proposed regulations.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the grain processing segment of the grain mills point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Grain Processing Segment of the Grain Mills Point Source Category" (March 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our

Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Grain Milling Industry" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the grain milling industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, subchapter N is hereby amended by adding a new Part 406, Grain Mills Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Corn Wet Milling Subcategory

Sec.	
406.10	Applicability; description of the corn wet milling subcategory.
406.11	Specialized definitions.
406.12	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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406.14	[Reserved]
406.15	Standards of performance for new sources.
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Subpart B—Corn Dry Milling Subcategory

- Sec.
406.20 Applicability; description of the corn dry milling subcategory.
406.21 Specialized definitions.
406.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
406.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
406.24 [Reserved]
406.25 Standards of performance for new sources.
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Subpart C—Normal Wheat Flour Milling Subcategory

- 406.30 Applicability; description of the normal wheat flour milling subcategory.
406.31 Specialized definitions.
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406.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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406.35 Standards of performance for new sources.
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Subpart D—Bulgar Wheat Flour Milling Subcategory

- 406.40 Applicability; description of the bulgar wheat flour milling subcategory.
406.41 Specialized definitions.
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Subpart E—Normal Rice Milling Subcategory

- 406.50 Applicability; description of the normal rice milling subcategory.
406.51 Specialized definitions.
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406.55 Standards of performance for new sources.
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Subpart F—Parboiled Rice Processing Subcategory

- 406.60 Applicability; description of the parboiled rice processing subcategory.

Sec.

- 406.61 Specialized definitions.
406.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
406.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
406.64 [Reserved]
406.65 Standards of performance for new sources.
406.66 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86-Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Corn Wet Milling Subcategory
§ 406.10 Applicability; description of the corn wet milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is steeped in a dilute solution of sulfuric acid and then processed by wet means into such products as animal feed, regular and modified starches, corn oil, corn syrup, and dextrose.

§ 406.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

§ 406.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of

such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	2.67	0.89
TSS.....	2.67	.89
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stdbu of corn)		
BOD ₅	150	50
TSS.....	150	50
pH.....	Within the range 6.0 to 9.0.	

§ 406.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed--
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	1.08	0.36
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stdbu of corn)		
BOD ₅	60	20
TSS.....	300	10
pH.....	Within the range 6.0 to 9.0.	

§ 406.14 [Reserved]

§ 406.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	1.08	0.36
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	60	20
TSS.....	30	10
pH.....	Within the range 6.0 to 9.0.	

§ 406.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn wet milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.15: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Corn Dry Milling Subcategory

§ 406.20 Applicability; description of the corn dry milling subcategory.

(a) The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil, and animal feed.

(b) The provisions of this subpart do not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.

§ 406.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the gen-

eral definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

§ 406.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	0.21	0.07
TSS.....	.18	.06
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	12.0	4.0
TSS.....	10.5	3.5
pH.....	Within the range 6.0 to 9.0.	

§ 406.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	0.11	0.036
TSS.....	.054	.018
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	6.0	2.0
TSS.....	3.0	1.0
pH.....	Within the range 6.0 to 9.0.	

§ 406.24 [Reserved]

§ 406.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	0.11	0.036
TSS.....	.054	.018
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	6.0	2.0
TSS.....	3.0	1.0
pH.....	Within the range 6.0 to 9.0.	

§ 406.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn dry milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.25; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Normal Wheat Flour Milling Subcategory

§ 406.30 Applicability; description of the normal wheat flour milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.

§ 406.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 406.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, to develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available infor-

mation, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available; There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.34 [Reserved]

§ 406.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the normal wheat flour milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its

NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Bulgar Wheat Flour Milling Subcategory

§ 406.40 Applicability; description of the bulgar wheat flour milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which wheat is parboiled, dried, and partially debranned in the production of bulgur.

§ 406.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "wheat" shall mean wheat delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of wheat weighing 60 pounds.

(d) The abbreviation "MSBu" shall mean 1,000 standard bushels.

§ 406.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such

limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD ₅	0.025	0.0083
TSS.....	.025	.0083
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD ₅	1.50	0.50
TSS.....	1.50	.50
pH.....	Within the range 6.0 to 9.0.	

§ 406.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD ₅	0.015	0.005
TSS.....	.0099	.0033
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD ₅	0.90	0.30
TSS.....	.60	.20
pH.....	Within the range 6.0 to 9.0.	

§ 406.44 [Reserved]

§ 406.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD ₅	0.015	0.005
TSS.....	.0099	.0033
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD ₅	0.90	0.30
TSS.....	.60	.20
pH.....	Within the range 6.0 to 9.0.	

§ 406.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the bulgur wheat flour milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Normal Rice Milling Subcategory

§ 406.50 Applicability; description of the normal rice milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned and milled by dry processes.

§ 406.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 406.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant,

raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.54 [Reserved]

§ 406.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source sub-

ject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the normal rice milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.55: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Parboiled Rice Processing Subcategory

§ 406.60 Applicability; description of the parboiled rice processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned, cooked and dried before being milled.

§ 406.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "rice" shall mean rice delivered to a plant before processing.

(c) The abbreviation "cwt" shall mean hundred weight.

§ 406.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD ₅	0.42	0.14
TSS.....	.24	.08
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per hundred-weight of rice)	
BOD ₅	0.042	0.014
TSS.....	.024	.008
pH.....	Within the range 6.0 to 9.0.	

§ 406.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD ₅	0.21	0.07
TSS.....	.09	.03
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per hundred-weight of rice)	
BOD ₅	0.021	0.007
TSS.....	.009	.003
pH.....	Within the range 6.0 to 9.0.	

§ 406.64 [Reserved]

§ 406.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD ₅	0.21	0.07
TSS.....	.09	.03
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per hundred-weight of rice)	
BOD ₅	0.021	0.007
TSS.....	.009	.003
pH.....	Within the range 6.0 to 9.0.	

§ 406.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the parboiled rice processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.65: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 406]

GRAIN MILLS POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 406, Grain Mills Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, parboiled rice processing, subcategories of the grain mills point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 406) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a

publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 406.15, 406.25, 406.35, 406.45, 406.55, and 406.65 of the proposed regulation for point sources within the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, parboiled rice processing, subcategories (December 4, 1973; 38 FR 33438), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 406.16, 406.26, 406.36, 406.46, 406.56, and 406.66 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Grain Milling Industry" (August 1973), was made available at the time of proposal. Copies of

the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the milling of grain, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standards and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standards proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and

the potential effects of those costs on the price and production of grain products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the *FEDERAL REGISTER*.

To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the grain mills category (38 FR 33438; December 4, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 406) which currently is being published in the rules and regulations section of the *FEDERAL REGISTER*.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, parboiled rice processing subcategories, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process waste waters from the grain processing segment of the grain mills point source category do not contain process waste water pollutants in sufficient concentrations to interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, no condition is deemed to preclude the discharge of process waste water from the corn wet

milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 406 be amended to add §§ 406.14, 406.24, 406.34, 406.44, 406.54, and 406.64 as set forth below. All comments received on or before April 19, 1974, will be considered.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

40 CFR 406 is proposed to be amended by adding the following sections:

- Sec.
406.14 Pretreatment standards for existing sources.
406.24 Pretreatment standards for existing sources.
406.34 Pretreatment standards for existing sources.
406.44 Pretreatment standards for existing sources.
406.54 Pretreatment standards for existing sources.
406.64 Pretreatment standards for existing sources.

§ 406.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 con-

cerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.62 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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PART III



ENVIRONMENTAL PROTECTION AGENCY

■

LIQUID AND CRYSTALLINE CANE SUGAR REFINING SUBCATEGORY

**Effluent Limitations Guidelines
and Proposed Pretreatment Standards**

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES
AND STANDARDSPART 409—SUGAR PROCESSING POINT
SOURCE CATEGORYLiquid and Crystalline Cane Sugar Refining
Subcategory

On December 7, 1973, notice was published in the FEDERAL REGISTER (38 FR 33846) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the crystalline cane sugar and liquid cane sugar refining subcategories of the sugar processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the sugar processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, Part 409 to add new subparts B and C. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Cane Sugar Refining Industry" (October 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains minor but significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggestions were not adopted.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Commerce, U.S. Water Resources Council, California and Hawaiian Sugar Company, United States Cane Sugar Refiners' Association, Tate and Lyle Technical Services, Ltd., Amstar Sugar Corporation, Imperial Sugar Company, State of Hawaii, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) Several commenters raised no objection to the guidelines as proposed.

(2) One commenter questioned the subcategorization into liquid and crystalline refining, and the more stringent standards laid down for crystalline cane sugar refineries.

The guidelines are actually more stringent (lower numbers, higher treatment efficiency) for liquid refining. These are two distinct unit operations with correspondingly different raw waste loads and water usage. Data pertaining to water usage and raw waste loadings further substantiate the subcategorization.

(3) Several commenters stated that the practicability of biological treatment of refinery wastes has not yet been demonstrated.

It is true that no member of the cane sugar refining subcategories is presently employing the technology described as BPCTCA. However, the technology itself is widely available and practiced in other industries with similar raw waste characteristics—for example, the grain milling and the citrus and potato industries. There are no characteristics of the refinery waste waters that would render them untreatable by the biological treatment system described.

(4) One commenter questioned the achievability and availability of biological treatment of sugar refining process water in conjunction with blowdown from cooling water recycle systems followed by sand filtration (BATEA), stating that it has not been physically demonstrated.

This is proven technology, currently being practiced within the grain milling, the oil refining, and the soaps and detergents industries. Although the economic situation of the industry precludes the establishment of this technology as BPCTCA, it has been so thoroughly demonstrated that there is little doubt that it can be utilized by 1983 within this industry segment. The technology upon which BATEA is established is proven and has been studied in terms of an economic impact analysis and found to be acceptable.

(5) Several commenters expressed the opinion that the effluent guidelines should be established as net rather than gross limitations.

It was the intention of the proposed effluent limitations guidelines (BPCTCA) that the barometric condenser cooling water stream be handled as net (the addition of pollutants). This is because for BPCTCA, control of entrained BOD5 in condenser water rather than treatment is specified. The regulations have been modified to better reflect their intentions, including a separate set of regulations for those refineries which discharge barometric condenser cooling water only. For BPCTCA for both subcategories, the basis of the effluent limitations guidelines is as follows. The BOD5 limitation is determined by the addition of the net BOD5 attributed to the barometric condenser cooling water together with that amount of BOD5 attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net.

The pollutant levels established for the process water stream for BPCTCA, for BATEA, and for new source performance standards for both the crystalline and liquid subcategories reflect values which should not be exceeded because treatment of the entire waste stream is specified. Treatment produces a relatively constant effluent regardless of influent concentration.

(6) The comment was made that the ratio of maximum daily to average monthly limits is far too liberal.

Further analysis of activated sludge treatment systems handling similar waste streams to cane sugar refining process waters was accomplished. Based on engineering judgment and experience with similar waste treatment systems in other industrial categories the following ratios of daily maximum to monthly average limitations are established. Barometric condenser cooling water will be three (3) times the monthly average for BOD5 for both subcategories. Process water will be two (2) times the monthly average for BOD5 and three (3) times the monthly average for TSS for both subcategories.

(7) It was recommended that effluent limitations be established for settleable

solids (SS) rather than for total suspended nonfilterable solids (TSS).

Settleable solids, unlike TSS, does not measure the treatment efficiency of a biological treatment system. There should be no measurable settleable solids in the overflow from a secondary clarifier used in a biological treatment system. It would be meaningless to establish a standard for a parameter which does not measure the degree of treatment achieved by the treatment system.

(8) It was recommended that the BOD5 monthly limitation (BPCTCA) be based on an effluent concentration ranging from 60-113 mg/l from the biological treatment system for both the crystalline and liquid cane sugar refining subcategories.

The effluent levels from treatment of process water by an activated sludge or other biological treatment system (BPCTCA) have been modified so that crystalline cane sugar refineries are required to meet effluent levels of 60 mg/l for both BOD5 and TSS and liquid cane sugar refineries are required to meet effluent levels of 100 mg/l for both BOD5 and TSS. These levels are approximately double those in the proposed regulation. This modification of the guidelines is required because no one currently operates a biological system to treat refinery wastes. EPA continues to believe that a properly designed and operated system of the type described would meet the limitations set forth in the proposed guidelines. The revision of the limitations in the final guidelines is not intended to allow any lesser degree of treatment. The same system should be used, and the system should be designed so as to achieve the proposed guidelines. The revision is intended only to take into account operational problems which might be encountered in adapting the specified technology to this industry.

(9) One commenter questioned the use of cooling towers as a part of BATEA stating that a barometric condenser discharge stream of 24,000,000 gallons per day at 10 mg/l of BOD5 is better than 480,000 gallons per day at 30 mg/l (or that flow rate and corresponding BOD5 concentration resulting from the biological treatment of the cooling tower blowdown stream).

The use of cooling towers and subsequent biological treatment of the blowdown stream results in a reduction by 94% of the BOD5 reaching the receiving water body. EPA policy is that dilution is not a suitable form of treatment. By concentrating this waste stream in a relatively small blowdown stream, it is more easily and cheaply treatable biologically. This is "practicable" technology being utilized in the oil refining, grain milling, and soaps and detergents industries. Some segments of the cane sugar refining industry practice the recycle of barometric condenser cooling water and discharge of the cooling tower blowdown to municipal treatment systems or total impoundage lagoons.

(10) One commenter questioned the effluent levels proposed for BATEA stating that the limitations were not con-

sistent with EPA's definition of "secondary treatment".

The guidelines for BATEA need not be consistent with the "secondary treatment" definition under section 304(d) of the Act. Instead, they must meet the requirements set forth in section 304(b) of the Act.

(11) One commenter felt that while sand filtration is mentioned as the BATEA, this should not preclude the use of other polishing methods to meet the standards. The Agency has not required any treatment method to be employed by industry to achieve the guidelines. Many other polishing methods exist and the guidelines may be achieved by means other than those specified in the development document.

(12) It was recommended that BOD5 under the BATEA be limited to 0.16 lb/ton, or double the proposed limitation, based on a lesser treatment efficiency.

The expected degree of treatment based on the BATEA has been re-evaluated and modified. Based on improved operation of the properly designed biological treatment system, effluent BOD5 levels of 40 mg/l for the model crystalline and 75 mg/l for the model liquid cane sugar refinery are determined to be realistic. No credit for BOD5 removal with the solids removed in the sand polishing operation is assumed. This is because of the uncertainty at present of the ratio of soluble to insoluble BOD5 in the effluent from the biological treatment system.

(13) The comment was made that the raw waste load baseline value with regard to filter cake slurry assumed the universal installation of filter aid recycle systems.

Upon re-analysis of the filter cake slurry stream, it was found that a calculational error appeared in the development document. Because the proposed guidelines are based on the complete retention with no allowable discharge of this stream, no change in the allowable effluent discharge results.

(14) Various commenters stated that the assumed barometric flows are either too low or too high.

The barometric condenser water flows designed for in the development document have the following bases: (1) Average flows were based on an average of all reliable flow information available, and (2) Model flows were based on the average flows of those refineries deemed to be exemplary in terms of BOD5 entrainment control.

In any event, the amount of BOD entrained is not a function of flow rate, but of sucrose carry-over. The model flows are technically sound for the basis of guidelines establishment and the development of cost data.

(15) One commenter objected to the statement that the investment costs associated with hook-up to a municipal treatment system are zero.

This assumption was made and applied only to those facilities which currently have hook-up. Therefore, the incremen-

tal investment cost is zero for these refineries.

(16) The comment was made that the capital and operating costs of treatment appear to be understated.

The Agency has reexamined the cost data and finds that these data are accurate and substantiate the reasonableness of the proposed regulations.

(17) The comment was made that the energy required to treat wastes and operate cooling towers will add a burden to our present crisis.

It has been estimated that the additional energy to achieve the BPCTCA limitations ranges from between 0.6 and 0.84 percent of the current industry energy usage. To achieve the BATEA limitations, the estimated additional energy required ranges from between 1.6 and 6.1 percent of the current industry energy usage. These energy requirements were reviewed by the Agency and judged to be not excessive.

(18) The comment was made that cooling towers sometimes cause fogging and noise problems.

For some locations, some of the time, these problems may be encountered. However, through proper design these effects can be minimized.

(19) The State of Hawaii stated that they are opposed to the installation of a cooling tower at a refinery in Aiea, Hawaii. The State would want to review the alternative of reclaiming the refinery's barometric condenser cooling water stream through the irrigation of public parks and recreational facilities in the area.

The EPA's guidelines limit only the quantity and quality of the pollutants which may be discharged. Dischargers may employ any technology, including land disposal or other alternatives, which will result in compliance with such limitations.

(20) The comment was made that settled activated bacterial sludge is very dilute, and its disposal is not simply a matter of landfill.

There are many ways in which settled activated bacterial sludge may be handled—sludge thickening, rotary vacuum filtration, centrifugation, sludge drying—with the resulting solids either landfilled or used as a soil supplement.

(21) The State of Hawaii recommended that the implementation of the proposed effluent limitations guidelines be postponed until the energy requirements are clearly known and fuel allocations for these purposes assured.

These guidelines are not self-executing, but must be implemented through NPDES permits. Under the Act, BPCTCA must be achieved by July 1, 1977. However, in permit issuance, such factors as fuel allocations and availability may be taken into account in specifying specific compliance dates prior to that time. As previously indicated, the energy requirements associated with the required technology are not excessive.

(22) One commenter objected to the assumptions in the economic impact analysis regarding the cost of capital,

land salvage values, and plant salvage values.

The Agency has reviewed these assumptions used in the economic impact analysis and found them to be substantially correct. The cost of capital used in the analysis is based upon the rate of return experienced in this particular industry, rather than the rate of return for the entire food processing industry. Any difference in land and plant salvage values were determined to be insignificant for the economic impact analysis.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The effluent levels from treatment of process waste water by an activated sludge or other biological treatment system (BPCTCA) have been modified so that crystalline cane sugar refineries are required to meet levels of 60 mg/l for both BOD₅ and TSS and liquid cane sugar refineries are required to meet effluent levels of 100 mg/l for both BOD₅ and TSS.

These levels are approximately double those in the proposed regulation. The modification of the guidelines is required because no one currently operates a biological system to treat refinery wastes. EPA continues to believe that a properly designed and operated system of the type described would meet the limitations set forth in the proposed guidelines. The revision of the limitations in the final guidelines is not intended to allow any lesser degree of treatment. The same system should be used, and the system should be designed so as to achieve the proposed guidelines. The revision is intended only to take into account operational problems which might be encountered in adapting the specified technology to this industry.

(2) The effluent levels for BOD₅ resulting from the application of BATEA have been modified.

Based on improved operation of the properly designed biological treatment system, effluent BOD₅ levels of 40 mg/l for crystalline and 75 mg/l for liquid cane sugar refineries are determined to be more realistic.

No credit for BOD₅ removal with the solids removed in the sand polishing operation is assumed. This is because of the uncertainty at present of the ratio of soluble to insoluble BOD₅ in the effluent from the biological treatment system.

(3) Based on an analysis of biological treatment systems operating on wastes similar in nature to cane sugar refining wastes and on engineering judgment, the following ratios of daily maximum to monthly average limitations are established.

Barometric condenser cooling water will be three (3) times the monthly average for BOD₅ for both subcategories.

Process water will be two (2) times the monthly average for BOD₅ and three (3) times the monthly average for TSS for both subcategories.

(4) Section 304(b) (1) (B) of the Act provides for "guidelines" to implement

the uniform national standards of Section 301(b) (1) (A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology.

In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers.

Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above listed changes will not significantly affect the conclusions of the economic study prepared for the proposed regulations. In addition, it has been learned that one cane sugar refinery considered to be impacted, under the assumption that a complete treatment system for treating its process waste water stream was necessary, is no longer impacted. The projected availability of a municipal treatment system at a reasonable initial and operational cost precludes the previously expected economic impact.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the cane sugar refining segment of the sugar processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category" (March 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's Waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, Cane Sugar Refining Industry" (October, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters

from existing and newly constructed plants in the cane sugar refining industry.

The Agency believes that the benefit of thus reducing the pollutants discharged justifies the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

FINAL RULEMAKING

In consideration of the foregoing, 40 CFR Chapter 1, Subchapter N, Part 409 is amended by adding Subparts B and C to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart B—Crystalline Cane Sugar Refining Subcategory

Sec.	
409.20	Applicability; description of the crystalline cane sugar refining subcategory.
409.21	Specialized definitions.
409.22	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
409.23	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.24	[Reserved]
409.25	Standards of performance for new sources.
409.26	Pretreatment standards for new sources.

Subpart C—Liquid Cane Sugar Refining Subcategory

409.30	Applicability; description of the liquid cane sugar refining subcategory.
409.31	Specialized definitions.
409.32	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
409.33	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.34	[Reserved]
409.35	Standards of performance for new sources.
409.36	Pretreatment standards for new sources.

Subpart B—Crystalline Cane Sugar Refining Subcategory

§ 409.20 Applicability; description of the crystalline cane sugar refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.

§ 409.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) Net shall mean the addition of pollutants.

(c) Melt shall mean that amount of raw material (raw sugar) contained within aqueous solution at the beginning of the process for production of refined cane sugar.

§ 409.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any crystalline cane sugar refinery discharging both barometric condenser cooling water and other process waters shall meet the following limitations. The BOD₅ limitation is determined by the addition of the net BOD₅ attributed to the barometric condenser cooling water to that amount of BOD₅ attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	1.19	0.43
TSS.....	.27	0.09
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per ton of melt)		
BOD ₅	2.38	0.86
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	

(2) Any crystalline cane sugar refinery discharging barometric condenser cooling water only should be required to achieve the following net limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	1.02	0.34
English units (Pounds per ton of melt)		
BOD ₅	2.04	0.68

§ 409.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	0.18	0.09
TSS.....	.11	.035
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per ton of melt)		
BOD ₅	0.36	0.18
TSS.....	.21	.07
pH.....	Within the range 6.0 to 9.0.	

§ 409.24 [Reserved]

§ 409.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	0.18	0.09
TSS.....	.11	.035
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per ton of melt)		
BOD ₅	0.36	0.18
TSS.....	.21	.07
pH.....	Within the range 6.0 to 9.0.	

§ 409.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the crystalline cane sugar refining subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 409.25; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Liquid Cane Sugar Refining Subcategory

§ 409.30 Applicability; description of the liquid cane sugar refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of raw cane sugar into liquid refined sugar.

§ 409.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) Net shall mean the addition of pollutants.

(c) Melt shall mean that amount of raw material (raw sugar) contained within aqueous solution at the beginning of the process for production of refined cane sugar.

§ 409.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any liquid cane sugar refinery discharging both barometric condenser cooling water and other process waters shall meet the following limitations. The BOD₅ limitation is determined by the addition of the net BOD₅ attributed to the barometric condenser cooling water to that amount of BOD₅ attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	0.78	0.32
TSS	.50	.17
pH	Within the range 6.0 to 9.0.	
English units (pounds per ton of melt)		
BOD ₅	1.56	0.63
TSS	.99	.33
pH	Within the range 6.0 to 9.0.	

(2) Any liquid cane sugar refinery discharging barometric condenser cooling water only shall meet the following net limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	0.45	0.15
English units (pounds per ton of melt)		
BOD ₅	0.90	0.30

§ 409.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	0.30	0.15
TSS.....	.09	.03
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per ton of melt)		
BOD ₅	0.60	0.30
TSS.....	.18	.06
pH.....	Within the range 6.0 to 9.0.	

§ 409.34 [Reserved]

§ 409.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of melt)		
BOD ₅	0.30	0.15
TSS	.09	.03
pH	Within the range 6.0 to 9.0.	
English units (pounds per ton of melt)		
BOD ₅	0.60	0.30
TSS	.18	.06
pH	Within the range 6.0 to 9.0.	

§ 409.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the liquid cane sugar refining subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 409.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-6234 Filed 3-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

SUGAR PROCESSING POINT SOURCE CATEGORY

Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 409, Sugar Processing Point Source Category, establishing for Subparts B and C therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory of the sugar processing point source category. The latter regulation applies to the portion of a discharge which is directed to navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 409) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major

contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by the promulgated effluent limitation guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 409.25 and 409.35 of the proposed regulation for point sources within the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory (December 7, 1973; 38 FR 33846), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 409.26 and 409.36 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Cane Sugar Refining Industry", (October, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401

M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia, 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedure contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the processing of refined cane sugar, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of refined cane sugar. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these

documents in the *FEDERAL REGISTER*. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the sugar processing point source category (38 FR 33846; December 7, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 409) which currently is being published in the rules and regulations section of the *FEDERAL REGISTER*.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

For plants in the crystalline cane sugar

refining subcategory and the liquid cane sugar refining subcategory, all pollutants controlled by these guidelines have been designated as compatible pollutants (40 CFR 128.121). Accordingly, the first option is appropriate and the guidelines should not apply. However, even though the filter cake slurry waste water stream is considered to be compatible, the extremely high concentrations of BOD₅ and TSS therein could, in some cases, interfere with the operation of publicly owned treatment works. These special situations should be controlled by the operators of the treatment works involved. Such control should not pose undue difficulty since the highly concentrated waste can be dry handled and disposed of as a solid waste.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The

EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 409 be amended to add §§ 409.24 and 409.34 as set forth below. All comments received on or before April 19, 1974, will be considered.

Dated: March 12, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 409 by adding the following sections:

Sec.
409.24 Pretreatment standards for existing sources.
409.34 Pretreatment standards for existing sources.

§ 409.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 409.22 above shall not apply and, subject to the provisions of Part 218 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 409.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 409.32 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc. 74-6233 Filed 3-19-74; 8:45 am]

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PART IV



FEDERAL ENERGY OFFICE

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

**FEDERAL ENERGY OFFICE
NATIONAL UTILITY RESIDUAL FUEL
OIL ALLOCATION**

Suppliers Percentage Notice

Pursuant to the provisions of 10 CFR 211.163(b), 211.164 and 211.165(d)(2), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for April 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in April 1974. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.24 and are reflected in the Appendix.

The utility allocations were determined after review of the impact or reduced fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEO considered all of the factors enumerated in 10 CFR 211.163(b) and also the following other factors:

1. The data contained in the revised Federal Power Commission (FPC) form 23 and addendum thereto submitted by utilities for April;

2. Utility residual fuel oil requirements were assumed to be reduced as a result of conservation efforts by utilities designed to achieve at least seven (7) percent load reduction below normal trends;

3. Residual fuel oil needs for utilities were assumed to be reduced as a result of contemplated power purchases from coal and hydro-based utility systems which were considered feasible by the Federal Power Commission;

4. Again recognizing the utilities' need for inventory buildups, an incremental increase has been included in the scheduled delivery levels for April. The individual utility inventory buildup is based upon an amount equal to approximately 10 percent of the utility projected burn rate for the month.

The amounts shown in the Appendix are the quantities of fuel oil to be delivered to the utility listed during the month of April 1974. Some utilities will not receive any allocation for April. This is due to either the fact that these utilities burn other fuels primarily, and use residual fuel oil only for stand-by inventory pur-

poses, or the fact that these utilities use residual fuel oil only in small percentages of the plant's capacity. In some of the latter instances, even the small amount of residual fuel oil involved is eliminated by the conservation guides established for utilities. April delivery levels were limited in some instances so as not to exceed utility storage capacity plus recommended FEO burn level.

The Appendix provides the name of the suppliers obligated to supply each utility and the supplier's percentage and volume of the month's allocation. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEO burn for the month of April. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume. The fifth column provides the total volume for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and the FEO requests any additions or corrections in this regard be forwarded to: Residual Fuels Manager for Utilities, P.O. Box 2887, Washington, D.C. 20013.

The Appendix also contains for the month of April the FEO recommended total residual fuel oil burn after conservation adjustments for the utility. Residual fuel oil delivery levels are keyed to the FEO burn. Thus, in April because of the proposed inventory buildup most utility companies are being allocated delivery levels in excess of the FEO recommended burn. The excess amounts are intended as an incremental addition to inventory. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in February and March.

FEO expects the utilities to consume supplies at or below FEO burn levels which are based on the utilities' proposed burn less adjustments for conservation efforts. Where a utility fails to encourage conservation to observe FEO burn levels, its allocation for following months will be

appropriately adjusted downward. FEO will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEO burn levels in any month.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Form 23. Prior to publication of the May allocation list any utility which requires residual fuel must submit a revised Form 23 to the FEO and FPC, to reflect any changes in need resulting from the April allocation or other factors which would assure updated information. As an addendum to the Form 23 revision, each utility must include the following data:

APRIL

ADDENDUM

- (1) Actual March 1974 data showing:
 - (a) Net energy for load;
 - (b) Net generation from heavy oil;
 - (c) Heavy oil consumption for generation;
 - (d) Heavy oil deliveries in the month separately by suppliers and sulphur content;
 - (e) Heavy oil deliveries scheduled during the 12-day grace period; and
 - (f) Heavy fuel oil stock at the end of the month including any fuel to be delivered and credited to the March allocation.
- (2) (a) Lists of both (a) total and (b) maximum usable heavy oil storage capacity on-site or near-site in utility-owned or leased tanks;
 - (b) Total capacity of any other off-site utility-owned or leased storage tanks; and
 - (c) The minimum inventory level desired by the utility to meet foreseeable logistic and operational problems.
- (3) Lists disclosing the names of suppliers under contract, the contract termination dates and contract delivery levels through October 31, 1974.

A copy of the revised Form 23 with addendum must be mailed to both the FEO and FPC by April 5, 1974. Any Form 23 received after April 10, 1974, may be limited to consideration in connection with the utility allocation program for June. Reports should be addressed to "Data Collection," FEO, Box 2887, Washington, D.C. 20013.

Issued in Washington, D.C., March 18, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

APPENDIX
RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF APRIL, 1974

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	1,427,126			1,356,726
AMERADA HESS CORP		68.0	922,574	
TAD JONES CO (GULF)		21.0	284,912	
WYATT INC (EXXON)		10.0	135,673	
H N HARTWELL & SON INC		1.0	13,567	
UNITED ILLUMINATING CO	661,344			731,544
TEXACO		87.0	636,443	
WYATT INC (EXXON)		13.0	95,101	
MAINE				
BANGOR HYDRO ELEC. CO.	30,357			37,227
SPRAGUE		100.0	37,227	
CENTRAL MAINE POWER CO.	257,619			284,319
TEXACO		100.0	284,319	
MAINE PUBLIC SERVICE CO.	74			758
DEAD RIV.D.(SPRAGUE)		100.0	758	
MASSACHUSETTS				
BOSTON EDISON CO.	1,195,848			1,518,006
WHITE FUEL (TEXACO)		46.0	698,283	
EXXON		42.0	637,563	
SPRAGUE		12.0	182,161	
BRAINTREE ELEC. LT. DEPT.	5,134			6,938
CK SMITH (GOLD.EAGLE)		100.0	6,938	
E.UTIL.ASSOC.(MONTAUP & BLACKS	240,846			272,846
TEXACO		100.0	272,846	
FITCHBURG GAS & EL.	16,821			18,721
NORTHEAST PETROLEUM		100.0	18,721	
HOLYOKE GAS AND ELECTRIC	11,113			12,306
WYATT INC (EXXON)		100.0	12,306	
NEW ENG. ELEC	999,552			1,104,252
ASIATIC PETRO CORP		60.0	662,551	
GOLD.EAGLE		40.0	441,701	
NEW ENG. G & E	487,841			538,541
NEW ENGLAND PETRO		84.8	456,683	
WHITE FUEL (TEXACO)		15.2	81,858	

NOTICES

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT PICKERING (NEPCO)	1,785	100.0	4,361	4,361
TAUNTON MUN. LT. QUINCY OIL CO (EXXON)	39,494	100.0	43,894	43,894
NEW HAMPSHIRE				
PUB SER OF N.H. SPRAGUE CONOCO	65,536	26.3 73.7	17,236 48,300	65,536
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO AMERADA HESS CORP	341,971	100.0	381,379	381,379
CONSOL EDISON OF NY NEW ENGLAND PETRO EXXON AMERADA HESS CORP TEXACO	3,490,333	45.5 20.8 22.3 11.4	1,773,696 810,832 869,306 444,399	3,898,233
FREEPORT, VILLAGE OF BURNS BROS O. (NEPCO)	17,000	100.0	19,657	19,657
LAWRENCE PARK HEAT & LIGHT LONG ISLAND LIGHT CO. NEW ENGLAND PETRO	0 1,356,342	0 100.0	0 1,509,842	0 1,509,842
NIAGARA MOHAWK POWER CO. NEW ENGLAND PETRO	176,582	100.0	245,263	245,263
ORANGE & ROCKLAND UTILITIES NEW ENGLAND PETRO HOWARD FUEL CORP	131,732	31.63 68.37	58,261 125,933	184,194

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ROCHESTER GAS & ELECTRIC	0			2,325
ALLIED O		29.7	691	
MONOCO OIL COMPANY		70.3	1,634	
RHODE ISLAND				

NEWPORT ELECTRIC CORP	7,250			18,240
CK SMITH		100.0	18,240	
VERMONT				

CENTRAL VERMONT PUB SERV	0			0
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)				
DELAWARE				

DELMARVA PWR & LT	622,458			693,986
STEUART PETROLEUM CO		22.0	152,677	
TEXACO		5.0	34,699	
GULF		8.0	55,519	
CONOCO		65.0	451,091	
DOVER, CITY OF	26,329			29,186
TEXACO		100.0	29,186	
DISTRICT OF COLUMBIA				

POTOMAC ELEC. PWR.	982,838			1,085,638
ASIATIC PETRO CORP		79.0	857,654	
STEUART PETROLEUM CO		21.0	227,984	
MARYLAND				

BALTIMORE GAS & ELECTRIC	1,072,056			1,188,330
AMERADA HESS CORP		52.7	626,250	
EXXON		47.3	562,080	
NEW JERSEY				

ATLANTIC CITY ELECTRIC COMPA	151,499			172,985
AMERADA HESS CORP		100.0	172,985	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GPU INTEGRATED SYSTEM	500,736			556,282
AMERADA HESS CORP		94.0	522,305	
SWANN OIL INC		5.0	27,814	
SHIPLEY-HUMBLE		1.0	5,563	
PUBLIC SERVICE ELECTRIC	1,384,000			1,529,400
AMERADA HESS CORP		83.4	1,275,520	
EXXON		16.6	253,880	
VINELAND, CITY OF ELEC.	47,607			52,807
SWANN OIL INC		100.0	52,807	
PENNSYLVANIA				
PHILADELPHIA ELECTRIC CO.	926,671			1,183,180
ARCO		28.5	337,206	
AMERADA HESS CORP		21.5	254,384	
GULF		9.0	106,486	
NEW ENGLAND PETRO		2.1	24,847	
TEXACO		24.0	283,963	
CONOCO		14.9	176,294	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	4,425			5,337
BELCHER OIL (EXXON)		100.0	5,337	
FLORIDA P & L	1,523,730			1,725,234
EXXON		15.0	258,785	
BELCHER OIL (EXXON)		85.0	1,466,449	
FLORIDA POWER CORPORATION	1,338,626			1,497,946
EXXON		60.0	838,768	
AMERADA HESS CORP		40.0	599,178	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
FORT PIERCE, CITY OF NEW ENGLAND PETRO	23,200	100.0	29,190	29,190
GAINESVILLE, CITY OF EASTERN SEABOARD	29,029	100.0	33,189	33,189
GULF POWER CO. BAKER SERVICE(EXXON)	0	100.0	993	993
JACKSONVILLE ELEC. AUTH. VEN FUEL INC CONOCO	567,563	82.6 17.4	517,047 108,918	625,965
KEY WEST UTILITIES STD.OIL-KY	56,068	100.0	61,916	61,916
LAKE WORTH UTIL AUTHORITY BELCHER OIL(EXXON)	0	100.0	95	95
LAKELAND LIGHT & WTR DEPT BELCHER(STD.OIL-KY)	85,133	100.0	85,133	85,133
NEW SMYRNA BEACH ORLANDO UTILITIES COMM. NEW ENGLAND PETRO	0 233,010	100.0	257,025	0 257,025
SEBRING UTILITIES COMM. UNION OIL OF CA	4,384	100.0	4,836	4,836
TALLAHASSEE, CITY OF UNION OIL OF CA	53,422	100.0	59,096	59,096
TAMPA ELECTRIC CO. WESTERN (STD.OIL-KY)	0	100.0	10,890	10,890
VERD BEACH MUNICIPAL POWER BELCHER OIL(EXXON)	13,471	100.0	14,909	14,909
GEORGIA				
GEORGIA POWER COMPANY	0			7,956

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SAVANNAH ELECTRIC & POWER CO COLONIAL OIL (EXXON)	170,370	100.0	170,370	170,370
MISSISSIPPI				
MISSISSIPPI POWER CO. ERGON (INTL TRADING) BAKER SERVICE (EXXON)	15,000	45.0 55.0	8,100 9,900	18,000
SOUTH MISSISSIPPI ELEC SOUTHLND OIL AMERADA HESS CORP	89,300	83.0 17.0	123,276 25,249	148,525
NORTH CAROLINA				
CAROLINA POWER & LT. EXXON	2,353	100.0	31,413	31,413
SOUTH CAROLINA				
S. CAROLINA ELEC & GAS CO EXXON	320,414	100.0	363,014	363,014
S. CAROLINA PUB SERV AUTH AMERADA HESS CORP	1,226	100.0	3,916	3,916
VIRGINIA				
VIRGINIA ELECTRIC POWER EXXON AMERADA HESS CORP AMOCO	1,316,999	68.6 24.2 7.2	1,016,171 358,474 106,654	1,481,299
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				
ARKANSAS ELEC COOP LOGICON INC (SHELL) E L BRIDE (TEXACO)	54,379	80.0 20.0	50,863 12,716	63,579
JONESBORO WATER AND LIGHT PL DELTA REFINING CO E L BRIDE (MIDLAND)	0	83.0 17.0	17 3	20

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
COLORADO				
CT&U, S.COLO PWR DIV. KANSAS	0			0
KANSAS				
CENTRAL KANSAS PWR CHANUTE, CITY OF MID AMER. REFINING	0 1,400			0 2,107
		100.0	2,107	
CLAY CENTER LT&WTR CARTER WTR	100			110
		100.0	110	
COFFEYVILLE LT & PWR CRA-FARMLAND	1,952			2,232
		100.0	2,232	
CT&U, WESTERN PWR DIV KANSAS GAS & ELEC KANSAS POWER & LIGHT PHILLIPS PETROLEUM GR.PLS NTL COOP REFINERY	0 0 0			0 0 1,200
		46.1	553	
		38.4	461	
		15.5	186	
LARNED WTR & ELEC CARTER WTR	155			417
		100.0	417	
MCPHERSON BD OF PUB UTIL NTL COOP REFINERY	1,510			1,830
		100.0	1,830	
OTTAWA WTR & LT LOUISIANA	0			0
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C JONESBORO POWER & LIGHT MIDDLE SOUTH SERVICES MURPHY OIL CORP TAUBER OIL CO SHELL EXXON GULF ERGON INC (EXXON) E L BRIDE (OKC REF.) REESE OIL (SUN OIL)	0 0 1,215,409			0 0 1,399,751
		30.0	419,925	
		20.5	286,949	
		21.3	298,147	
		12.9	180,568	
		9.5	132,976	
		3.8	53,191	
		1.7	23,796	
		.3	4,199	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHWESTERN ELECTRIC POWER	0			1,000
----- MISSISSIPPI -----				
CLARKSDALE WTR & LT	663			756
SOUTHLND OIL		100.0	756	
YAZOO CITY PUB SERV	0			0
MISSOURI				

EMPIRE DIST ELEC	0			0
ST JOSEPH LT & PWR	0			35
E L BRIDE		100.0	35	
----- OKLAHOMA -----				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				

GULF STATES UTILITIES	119,661			169,661
COASTAL STATES MKTG		37.5	63,623	
TENNECO		16.1	27,315	
UNITED PETRO DISTRIB		4.0	6,786	
EXXON		20.1	34,102	
SOUTH HAMPTON CO		22.3	37,834	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
AUSTIN CITY ELEC DEPT	36,000			52,000
TESORO		100.0	52,000	
BRYAN, CITY OF	0			0
COMMUNITY PUB SERV	6			601
STD.OIL-TEXAS		100.0	601	
DALLAS POWER <.	0			2,000
FORT WORTH REFINING		18.2	364	
KERR MCGEE OIL CO		18.9	378	
J&W REFINING		47.2	944	
BEE OIL&REFINING		15.6	312	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
EL PASO ELECTRIC	55,890			61,246
STD.OIL-TEXAS,		74.5	45,628	
TESORO		25.5	15,618	
GARLAND,CITY OF	0			0
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	0			2,880
TESORO		100.0	2,880	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	0			0
WEST TEXAS UTIL	5,065			9,165
PRIDE REFINING INC		100.0	9,165	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS

COMMONWEALTH EDISON CO.	0			34,000
ALLIED O.		98.0	33,320	
CLARK OIL&REF.CORP		2.0	680	
ILLINOIS POWER CO	0			5,400
ALLIED O.		100.0	5,400	

MISSOURI

UNION ELECTRIC	0			0
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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WISCONSIN				
LAKE SUPERIOR DIST PWR DOME PETROLEUM	4,084	100.0	4,566	4,566
WISCONSIN ELEC PWR INDUST FUEL&ASPHALT	0	100.0	5	5

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0
INTERSTATE POWER	0			0
LAMONI MUNIC	0			12
STD.OIL(IND)		100.0	12	
MINNESOTA				
AUSTIN UTILITIES	0			165
NORTHWESTERN REF		48.3	80	
GUSTAFSON OIL CO		33.0	54	
W H BARBER		18.7	31	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	186			231
E L BRIDE		100.0	231	
MINNESOTA PWR & LT	36,342			39,976
MURPHY OIL		100.0	39,976	
NORTHERN STATES PWR	0			2,675
E L BRIDE(TEXACO,WC)		100.0	2,675	
OWATONNA MUN UTIL	928			1,047
NORTHWESTERN REF		60.0	628	
GUSTAFSON OIL CO		40.0	419	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WORTHINGTON, CITY OF ALLIED O.	2,125	100.0	2,639	2,639
NEBRASKA				
CENTRAL NEBRASKA PUBLIC FAIRBURY LT & WTR	0 544			0 639
CARTER WTR (TEXACO)		100.0	639	
GRAND ISLAND ELEC	0			0
HASTINGS UTILITIES DEPT	0			0
LINCOLN ELECTRIC SYSTEM E. L. BRIDE COMPANY	0			100
NEBRASKA PUBLIC POWER DISTRI	0			0
OMAHA PUB PWR DIST	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR CRYSTAL REFINING CO	553	100.0	724	724
CONSUMERS POWER	199,101			225,302
CONSUMERS PWR-CRUDE		54.0	121,663	
LAKESIDE REFINING CO		14.0	31,542	
OSCEOLA REFINING CO		8.0	18,024	
TOTAL LEONARD INC		4.0	9,012	
MURPHY MI. DIV. AMOCO		6.0	13,518	
ENTERPRISE OIL CO		6.0	13,518	
BORON OIL (STANDARD)		3.0	6,759	
INDUST FUEL & ASPHALT		2.0	4,506	
RUPP OIL COMPANY		2.0	4,506	
GLADIEUX REF		1.0	2,253	
DETROIT EDISON CO.	910,093			1,024,527
SUN OIL		70.0	717,169	
CANADIAN FUEL MKTRS		9.9	101,428	
ENTERPRISE OIL CO		4.8	49,177	
PETRO PRODUCTS		5.4	55,324	
MARATHON OIL		9.9	101,428	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GRAND HAVEN BD PUB OSCEOLA REF	2,506	100.0	2,792	2,792
HILLSDALE BD OF PUB WORKS LEWIS (GLADIEUX REF)	2,440	100.0	2,685	2,685
OHIO				
CLEVELAND ELEC ILLUMIN ALLIED O. (ASHLAND)	140,143	100.0	182,974	182,974
TOLEDO EDISON SUN OIL	7,521	100.0	8,594	8,594
PENNSYLVANIA				
ALLEGHENY POWER SERVICE ALLIED O. (NEPCO)	0	100.0	5,000	5,000

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
ARIZONA PUBLIC SERVICE CO.	0			187,000
UNION OIL OF CAL		63.0	117,810	
PACIFIC SOUTHWEST		16.5	30,855	
SAN JOAQUIN REF		16.5	30,855	
BASIN FUELS		4.0	7,480	
SALT RIVER PROJECT	0			160,000
TESORO		12.4	19,840	
DOUGLAS OIL CO		2.8	4,480	
EDGINGTON OIL CO		5.6	8,960	
GUSTAFSON OIL CO		.9	1,440	
MACMILLAN		17.0	27,200	
POWERINE OIL CO		12.5	20,000	
LITTLE AMERICA		19.7	31,520	
SAN JOAQUIN REF		29.1	46,560	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
TUCSON GAS & ELEC	244,481			272,195
GOLDEN GATE PETRO		22.0	59,883	
NAVAJO REFINING		5.0	13,610	
TOSCO		43.0	117,044	
UNION OIL OF CA		25.0	68,049	
HOLLAND OIL(TOSCO)		5.0	13,610	
CALIFORNIA				

BURBANK CITY PUBLIC SER.	32,000			45,280
CARSON(GOLD.EAGLE)		100.0	45,280	
GLENDAL PUBLIC SERVICES	82,000			90,978
POWERINE OIL CO		100.0	90,978	
IMPERIAL IRRIGATION DISTR	52,000			63,576
CRESCENT REF&O(GULF)		100.0	63,576	
LOS ANGELES DEPT OF WATER &	1,513,821			1,692,621
ARCO		43.5	736,290	
COASTAL STATES MKTG		27.2	460,393	
EDGINGTON OIL CO		15.3	258,971	
PETROBAY		5.5	93,094	
NEWHALL REFINING CO		3.6	60,934	
SAN JOAQUIN REF		2.6	44,008	
POWERINE OIL CO		2.3	38,930	
PACIFIC GAS & ELECTRIC CO	1,197,734			1,377,734
ARCO		71.3	982,324	
UNION OIL OF CA		4.7	64,754	
PHILLIPS PETROLEUM		24.0	330,656	
PASADENA POWER CO.	60,087			75,789
GOLD.EAGLE		100.0	75,789	
SAN DIEGO GAS & ELECTRIC CO.	530,087			594,187
UNION OIL OF CA		29.8	177,068	
HIRI		16.2	96,258	
EDGINGTON OIL CO		21.3	126,562	
TESORO		32.7	194,299	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHERN CALIF EDISON	3,314,513			3,685,013
STD.OIL-CAL		59.1	2,177,843	
TEXACO		8.0	294,801	
APCO		6.4	235,841	
EXXON		16.7	615,397	
PACIFIC RESOURCES		5.6	206,361	
MACMILLAN R.F.OIL		2.4	88,440	
CONOCO		1.8	66,330	
 COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	11,905			13,096
PLATEAU INC		100.0	13,096	
 MONTANA				
MONTANA POWER	0			0
NEVADA				
 NEVADA POWER COMPANY				
GUSTAFSON OIL CO	0	54.0	359	665
HUSKY OIL COMPANY		46.0	306	
SIERRA PACIFIC POWER	4,262			6,018
GOLDEN GATE PETRO		100.0	6,018	
 NEW MEXICO				
PLAINS ELEC GEN & TR				
SM	0			29
PLATEAU INC		97.8	28	
CARIBOU 4 CORNERS		2.2	1	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PUB SERV NEW MEXICO OREGON	0			0

PACIFIC POWER & LIGHT CO STD.OIL(IND)	0	100.0	28	28

UTAH				

UTAH POWER & LIGHT CO. BLACKLINE ASPH.SALES	10,000	100.0	10,000	10,000

WASHINGTON				

PUGET SOUND POWER & LIGHT CO.	0			0
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0

10. ASCC				

HAWAII				

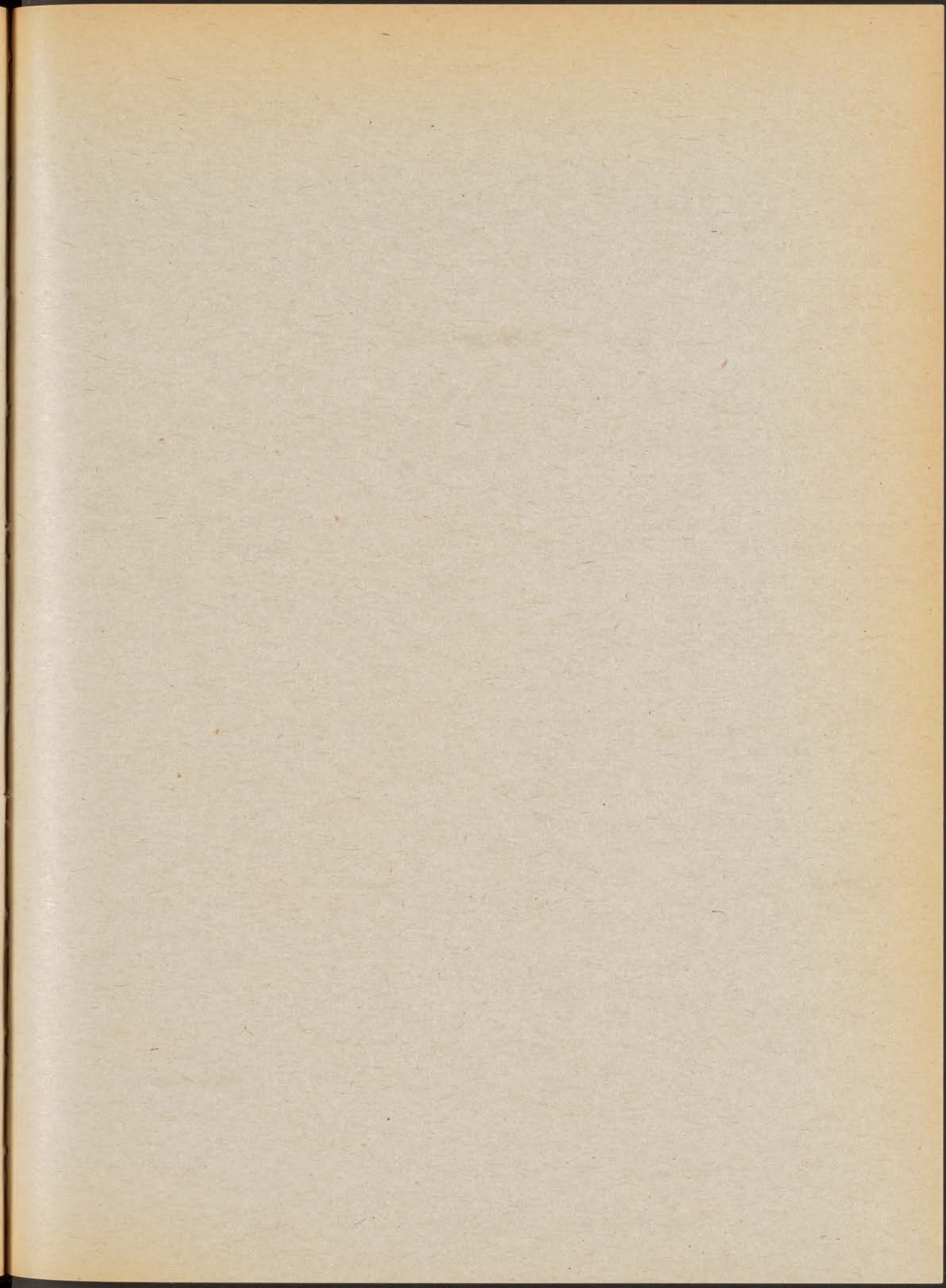
HAWAIIAN ELECTRIC COMPANY STD.OIL-CA	601,594	100.0	664,394	664,394

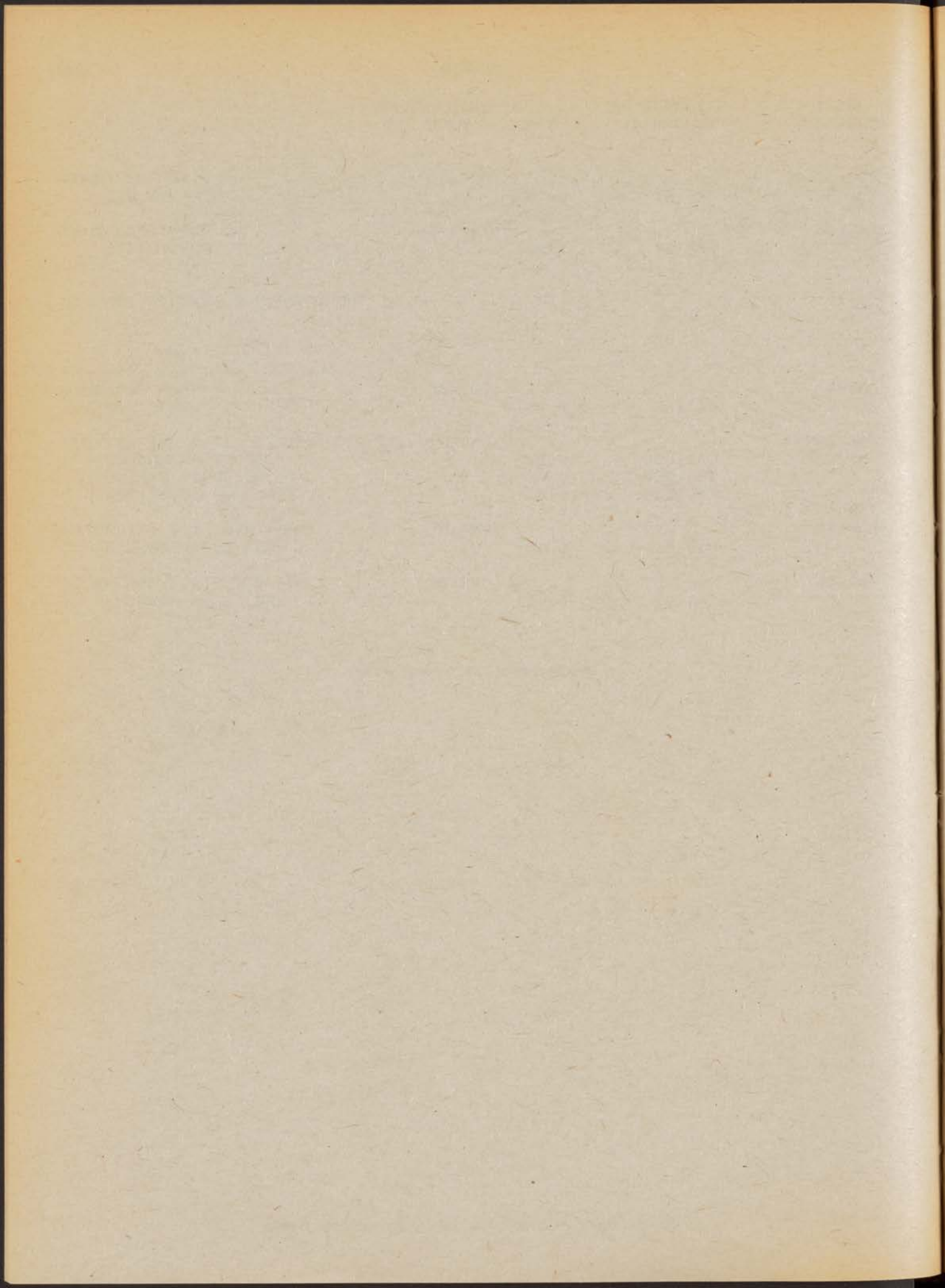
HILD ELEC LT STD.OIL-CA	39,727	100.0	44,049	44,049

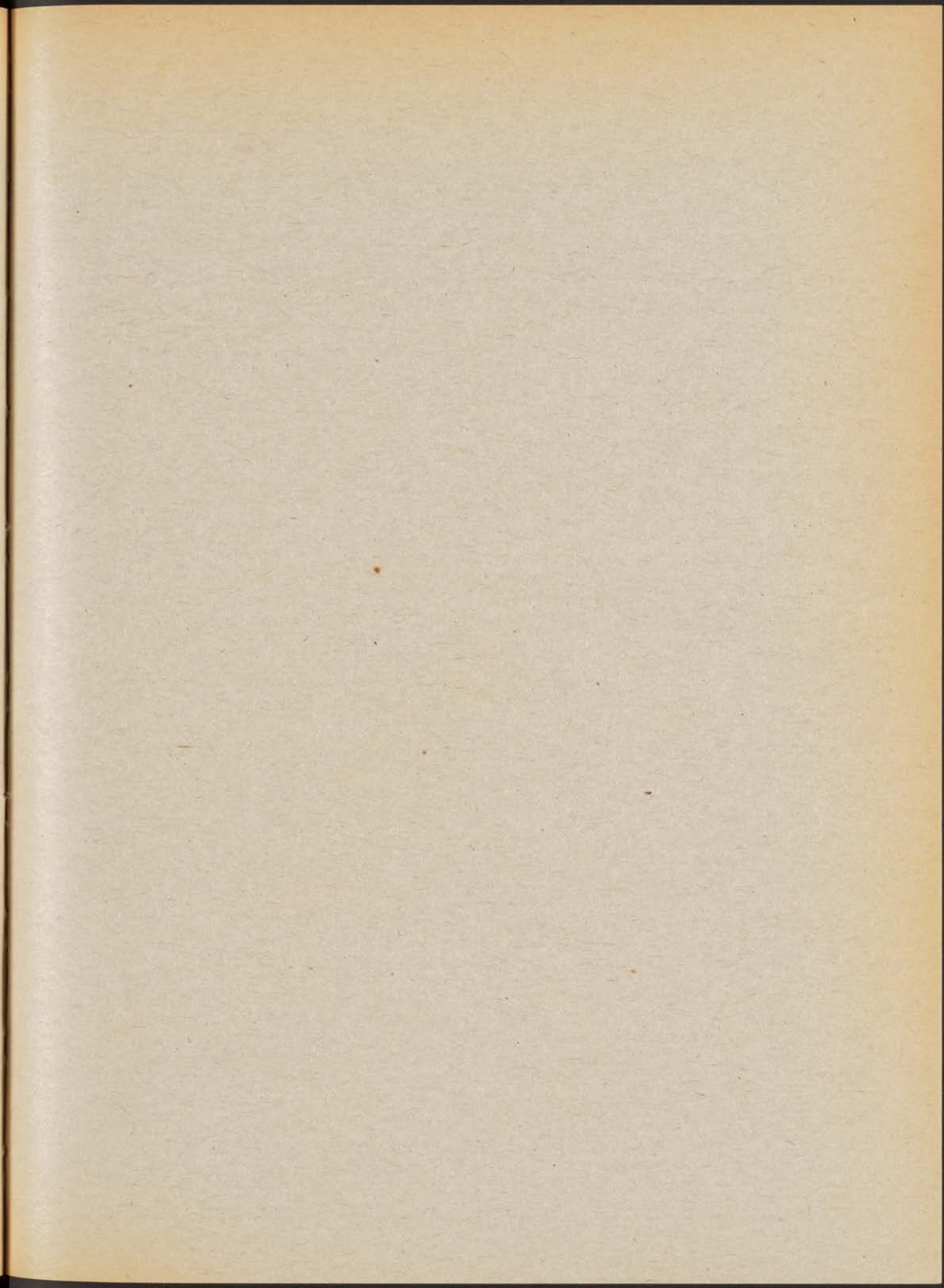
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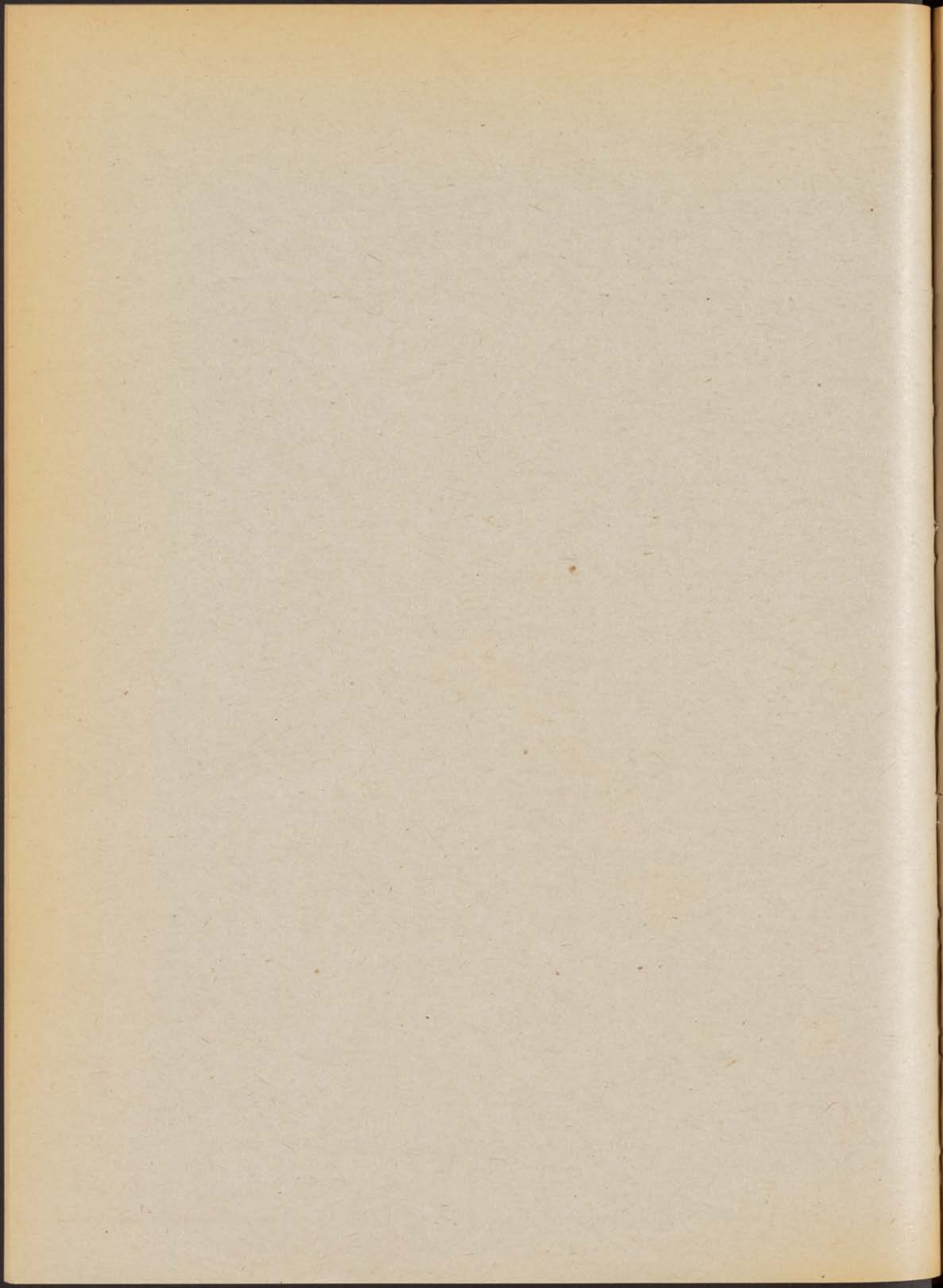
	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
KAUAI ELECTRIC STD.OIL--CA	10,725	100.0	12,015	12,015
MAUI ELECTRIC STD.OIL-CA	31,512	100.0	34,762	34,762
11. NOT OTHERWISE CLASSIFIED				
----- UNK -----				
GUAM PWR AUTH U.S.NAVY	75,169	100.0	86,169	86,169
PUERTO RICO WATER RESOURCES	1,595,045			1,766,886
COMMONWEALTH OIL		50.0	883,443	
PUERTO RICO SUN OIL		30.0	530,066	
CARIBBEAN GULF REF		20.0	353,377	
ST CROIX, V.I. WTR PWR AMERADA HESS CORP	29,258	100.0	32,966	32,966
ST THOMAS, V.I. WTR PWR AMERADA HESS CORP	35,790	100.0	40,047	40,047

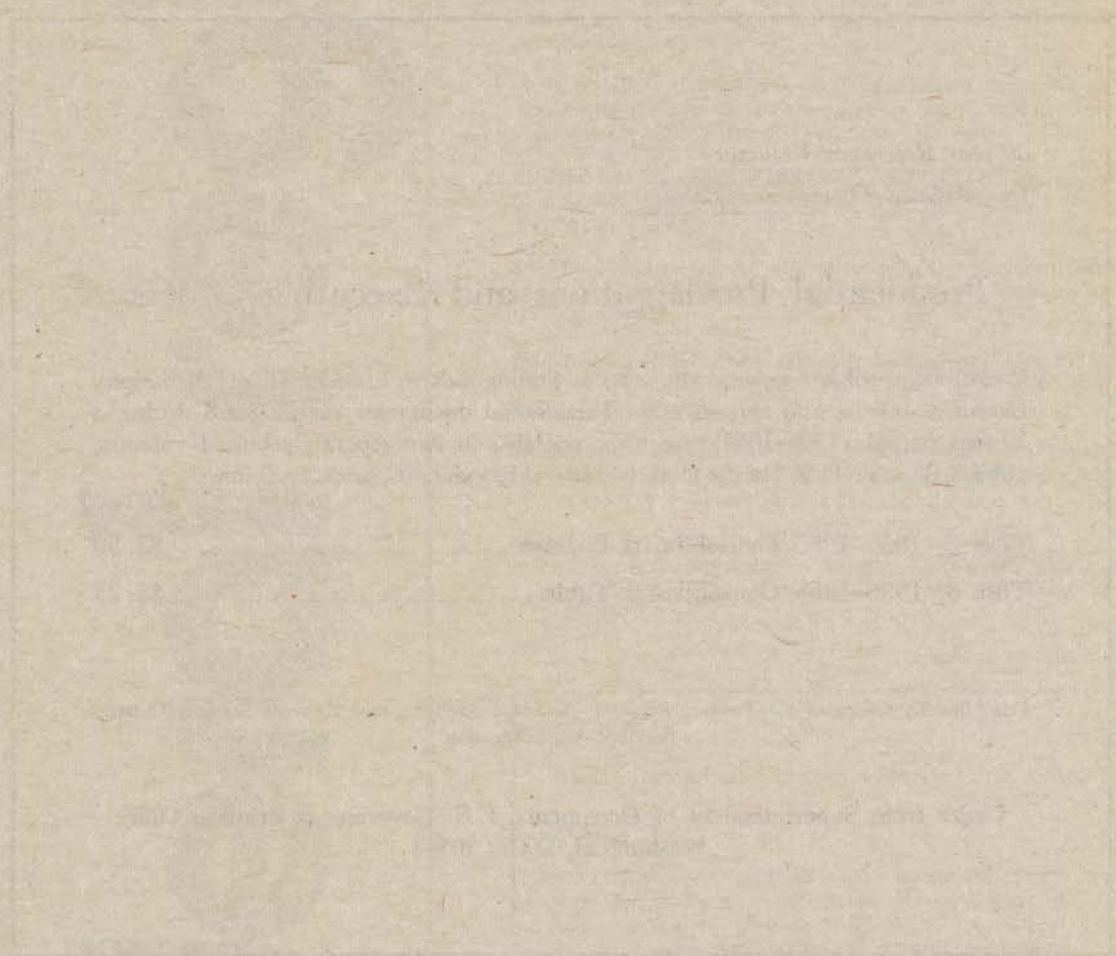
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